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Letter dated 1 June 2017 from the Panel of Experts on Libya established pursuant to resolution 1973 (2011) addressed to the President of the Security Council

The Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011) has the honour to transmit herewith, in accordance with paragraph 13 of resolution 2278 (2016), the final report on its work.

The report was provided to the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya on 5 May and was considered by the Committee on 19 May 2017.

I would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

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Final report of the Panel of Experts on Libya established pursuant to resolution 1973 (2011)

Summary

The Panel's monitoring of the political transition in Libya has focused on the incomplete implementation of the Libyan Political Agreement in the absence of its endorsement by the House of Representatives. This has undermined the legitimacy of the Government of National Accord, nominated by the Presidency Council. The rival Prime Ministers, Abdallah al-Thinni and Khalifa al-Ghweil, continue to challenge the leadership of the country by the Chair of the Presidency Council, Fayez al-Serraj. The Presidency Council has also had great difficulty in implementing social and economic policies, further strengthening the armed and unarmed opposition to its authority.

To overcome the political stalemate, the United Nations Support Mission in Libya drafted a new road map in October 2016 to amend the Libyan Political Agreement. This led to a regional dialogue initiative sponsored by Algeria, Egypt and Tunisia. However, regional divisions continue to constitute an obstacle to a political solution in Libya.

The political crisis has been further exacerbated by escalating armed conflict. In spite of the liberation of Sirte and segments of Benghazi from Islamic State in Iraq and the Levant, the overall security situation in Libya has deteriorated. Indicative of the insecurity is the growing competition in Tripoli between Misratah- and Tripoli-affiliated armed groups, which has undermined the authority of the Presidency Council and threatened the safety of the capital's residents.

Military operations by the Libyan National Army, the Benghazi Defence Brigades and Misratan armed groups in the south and the oil crescent have exposed local populations to increasing violence, including through air strikes. Further threats to security documented by the Panel have included the recruitment of foreign mercenaries by armed groups and the persistent activity of extremist movements.

Armed groups, some of which have received a mandate or at least recognition from the House of Representatives or the Presidency Council, have not been subject to any meaningful judicial control. This has further increased their involvement in violations of human rights, including kidnappings, arbitrary detentions and summary executions. Cases investigated by the Panel include abuses against Libyan residents of Tripoli and Benghazi, prisoners of war and migrants.

The Panel documented several instances in which armed groups were involved in actual or potential violations of the arms embargo. These groups' continuing access to military equipment and related material is also reflected in the escalation of armed conflicts, notably through air strikes. In that respect, the Panel has documented how armed groups from eastern Libya and Misratah have multiplied their air force capacity through transfers of materiel, the refurbishment of previously unserviceable aircraft and the expansion of military airbases. The foreign support for both factions is also highlighted.

Furthermore, the Panel found evidence of several deliveries, in violation of the arms embargo, of what is often described as non-lethal materiel. The deployment and use of such materiel in the Libyan context has significantly increased insecurity and has undoubtedly led to additional casualties. This is notably the case for (armoured) vehicles and electronic interception equipment.

In the absence of arms and ammunition management capacity, the risk of diversion remains a major concern, justifying the need for a robust arms embargo. Libyan armed groups engage in arms trafficking both within the country and across its borders, and Libya remains an important hub for illicit arms flows to neighbouring countries. The Panel has documented arms seizures in the Niger and Tunisia, while the lack of access to seizures in other countries remains a problem.

The Panel finds that the key financial and economic institutions of Libya remain divided and suffer from a lack of oversight and cases of misappropriation. The Presidency Council has been divided over the organization of and appointments in several institutions, and its decisions have been challenged. As a consequence, the loyalty of staff is still divided between the competing authorities, which have each tried to make their own appointments. The divisions continue to threaten the stability of Libya, as shown by the controversy over Central Bank of Libya policies in Tripoli and several unilateral actions taken by its eastern branch.

The Panel has identified rival managements and their political backers, who continue to attempt to strengthen their position through various strategies, including legal action and support from armed groups. In Tripoli, the interference of armed groups with the management and finances of institutions such as the Libyan Investment Authority and the Libyan Post, Telecommunication and Information Technology Company is worrying and untenable.

In contrast to these negative developments, the country's oil sector has stabilized. The warring parties in the oil crescent have largely refrained from damaging oil installations, and they have consistently given authority over the terminals to the National Oil Corporation management, even though control over the region has changed hands repeatedly. Unfortunately, and despite significant efforts by both their managements, the implementation of an agreement to reunite the eastern and western National Oil Corporations failed. Nevertheless, the efforts have resulted in increased oil production.

The continuing division of the National Oil Corporation will likely lead to renewed attempts to illicitly export crude oil. Sanctions under resolution 2146 (2014) were successfully implemented on one occasion. Meanwhile, the eastern National Oil Corporation has made a first attempt to smuggle a shipment of oil derivatives out of Libya.

Armed groups and criminal networks continue to exploit different sources of financing, such as the smuggling of migrants and fuel. The Panel has identified networks along the western coastline, which are active in both.

Several investigations on the asset freeze show the complexity of the finances available to some listed individuals, the beneficiary ownership of which is hidden behind numerous front men and front companies. They also show that transactions in favour of listed individuals are sometimes handled through large sums of cash. In addition, the Panel investigated stolen Libyan assets that were under the control of a listed individual, or at risk of misappropriation, or both. The identification and possible recovery of all these funds will require significant resources and a dedicated effort. This will require the empowerment of Libyan investigators through an indisputable mandate from an uncontested authority.

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* The annexes are being circulated in the language of submission only and without formal editing. Owing to the word limits on reports of monitoring mechanisms, the Panel has provided further details relating to a number of investigations in the annexes. The table of abbreviations and acronyms can be found in annex 1.

I. Background

1. The present report contains the findings of the Panel of Experts on Libya until April 2017. An overview of the evolution of the Libya sanctions regime can be found in annex 2.

A. Mandate and appointment

2. Details on the mandate and appointment of the Panel can be found in annex 3.

B. Methodology

3. The Panel is determined to ensure compliance with the standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions in its report (S/2006/997, annex). Those standards call for reliance on verified, genuine documents and concrete evidence and on-site observations by the experts, including taking photographs, wherever possible. When physical inspection is not possible, the Panel will seek to corroborate information using multiple, independent sources to appropriately meet the highest achievable standard, placing a higher value on statements by principal actors and first-hand witnesses to events. While the Panel wishes to be as transparent as possible, in situations in which identifying sources would expose them or others to unacceptable safety risks, the Panel will withhold identifying information and place the relevant evidence in secure United Nations archives.

4. The Panel is committed to impartiality in investigating incidents of non-compliance by any party.

5. The Panel is equally committed to the highest degree of fairness and will endeavour to make available to parties, where appropriate and possible, any information available in the report for which those parties may be cited in relation to incidents of violations or non-compliance, for their review, comment and response within a specified deadline. To further uphold the opportunity to reply and in the interest of accuracy, the Panel will consider annexing to its reports any rebuttals, with an assessment of their credibility.

6. The Panel safeguards the independence of its work against any efforts to undermine its impartiality and any attempts to create a perception of bias.

C. Cooperation with stakeholders and organizations

7. A list of institutions, organizations and individuals consulted can be found in annex 4. A list of outgoing correspondence can be found in annex 5, with the level of responsiveness reflected in annex 6.

1. Member States

8. Since the submission of its previous final report (S/2016/209) in March 2016, the Panel has undertaken formal visits to meet with national authorities and other relevant stakeholders in Austria, Chad, Egypt, Germany, Libya, Malta, the Niger, Qatar, the Sudan, Sweden, Tunisia, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

9. In addition, the Panel was able to travel to and hold meetings with interlocutors, including from the Libyan diaspora, in Brussels, N'Djamena, Cairo,

Paris, Rome, Amman, Beirut, Tripoli, Rabat, Johannesburg, South Africa, Geneva, Tunis, Istanbul, Turkey, and London and in Misratah and Tubruq.

10. During the reporting period, the Panel visited all of the neighbouring countries of Libya, except for Algeria. For the fourth consecutive year, Panel requests to visit Algeria have remained unanswered. Furthermore, while holding meetings with Libyan interlocutors in Skhirat, in accordance with its mandate, the Panel was requested by the Permanent Mission of Morocco to the United Nations in New York to stop all movement and leave the country, which the Panel did. The Panel discussed the event with the Permanent Mission to avoid the recurrence of such an incident.

2. Libya

11. The Panel has visited Libya four times since its reappointment in May 2016. Regular flights operated by the United Nations Support Mission in Libya (UNSMIL) into Libya and strong support from and flexibility on the part of UNSMIL have increased the Panel's access. As the security situation remains fragile, United Nations delegations continue to be subject to travel restrictions. Therefore, the Panel's visits were limited to one-day missions, which limits its ability to investigate leads and follow up with contacts within Libya. In addition to travel to Libya, the Panel held interviews with interlocutors in Libya remotely.

12. On 16 June 2016, the Panel visited Tripoli and discussed its work with members of the Presidency Council and the Temporary Security Committee. The meetings were held at Mitiga airport and the Abu Sittah naval base. On 20 July, the Panel travelled to Misratah, where it met with commanders involved in the military operations against Islamic State in Iraq and the Levant (ISIL) in Sirte. On 15 November, the Panel met with a delegation from the House of Representatives in Tubruq. The Panel visited the naval base in Tripoli for the second time on 19 January 2017 to hold meetings with representatives of the Central Bank of Libya and the Minister of Defence, appointed by the Presidency Council. Three additional visits to Libya were cancelled for various reasons, such as the unavailability of the plane, security incidents at the destination and the unavailability of Libyan interlocutors. Although important information was obtained, the one-day missions did not result in the physical inspection of seized materiel or visits to arms and ammunition storage facilities.

13. It remains difficult to identify appropriate Libyan interlocutors who can speak from a position of authority and provide official documentation. The Presidency Council has weak operational capacity, and its control over the administration is very limited. Furthermore, other power centres remain active and receive support from both the population and armed groups.

3. United Nations entities

14. The Panel interacts frequently with UNSMIL. The Panel met with the Special Representative of the Secretary-General, Martin Kobler, on several occasions and had repeated exchanges with key sections of UNSMIL, including the Joint Mission Analysis Centre, the Panel's focal point. In addition, the Panel's work has benefited from an increase in information sharing by the Mission, and UNSMIL support in terms of both logistics and information sharing has proved critical to the Panel's effective execution of its mandate. The Panel would benefit further from more frequent sharing of documents.

15. The Panel exchanged views with the Analytical Support and Sanctions Monitoring Team established pursuant to resolution 1526 (2004), the Panel of Experts on the Democratic People's Republic of Korea, the Panel of Experts on the

Sudan, the Panel of Experts on South Sudan, the United Nations Office on Drugs and Crime, the United Nations Interregional Crime and Justice Research Institute and the Mine Action Service of the Department of Peacekeeping Operations.

16. The Panel assisted in the preparation of the report of the Secretary-General on the threat posed to Libya and neighbouring countries, including off the coast of Libya, by foreign terrorist fighters recruited by or joining Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities (S/2016/627), requested by the Security Council in resolution 2292 (2016).

4. Other organizations

17. Following the adoption of resolution 2292 (2016), the Panel met with European Union Naval Force Mediterranean (EUNAVFOR MED) Operation Sophia delegations in Brussels and Rome. The Panel remains in contact with the Operation.

18. In November 2016, the Panel was briefed in N'Djamena by Operation Barkhane, a counter-terrorism operation led by France in collaboration with five Sahel countries. One of the Operation's aims is to prevent illicit flows of weapons and related materiel that would benefit extremist groups. The Panel looks forward to continuing to receive relevant information on weapon seizures or suspicious movements.

19. The Panel also exchanged views with representatives of the International Criminal Court and non-governmental organizations.

D. Administrative support and reporting schedule

20. The dedicated support staff at the Secretariat has significantly reduced time spent by the Panel on administrative and logistical issues. The Panel is grateful for the extension of its mandate from 12 months to 15 months and recommends retaining this mandate duration. These crucial changes to the previous reporting period allowed the Panel to concentrate more effectively on its investigations and organize all the necessary visits to Libya and its neighbours, as reflected in its travel schedule.

21. While the processing time for the Panel's travel has improved, the limitations of current administrative rules and procedures continue to impede the Panel's efficiency. The most pressing problem is that tickets are booked at the fare for the "most economical, most direct route", within certain travel time-related parameters, and only with regard to the start and end dates of meetings, rather than to the most sensible flight and connection times. As a consequence, the average duration of travel has increased significantly, leading to less time spent in the field.

22. Despite the Panel's frequent travel to high-risk environments in which it conducts sensitive investigations under a mandate from the Security Council, its members continue to lack access to appropriate insurance for conflict zones. The mandate requires travelling to some countries where regular health and travel insurance does not provide cover for treatment or evacuation. While experts are covered under the United Nations malicious acts insurance, no cover exists for injury suffered as a result of a non-malicious accident or for sudden illness occurring while in certain high-risk countries (see recommendation 16).

II. Political developments and related criteria

23. Since its arrival in Tripoli on 30 March 2016, the Presidency Council, under the leadership of Fayez al-Serraj, has not managed to exercise full authority in accordance with the Libyan Political Agreement.

24. So far, the Presidency Council has not been able to convince the House of Representatives to confirm a Government of National Accord or to launch significant social and economic policies. In Tripoli, the Council's continued conflict with hard-line armed groups led by Khalifa al-Ghweil, and its reliance on Tripoli-based armed groups,[1] could weaken the support of powerful allies in Misratah, such as the Misratah Municipal Council.[2] In an effort to contain the political challenges from both the House of Representatives and Al-Ghweil, Al-Serraj promotes a political dialogue with his opponents under the Council's auspices.[3]

A. Divisions in the Presidency Council

25. The Presidency Council is faced with persistent internal divisions. Members such as Musa al-Koni and Ammar al-Aswad expressed to the Panel their scepticism over the Council's composition and functioning (see annex 7). The divisions were further exposed when Al-Koni resigned in January 2017, while also acknowledging his own responsibility in the Council's "failure".

26. The Panel understands that Al-Serraj's authority is constantly questioned by all his Deputy Chairs. Eastern Presidency Council members Ali Faraj al-Qatrani and Fathi al-Mejbari have opposed several of Al-Serraj's political initiatives to constrain his political space. The alleged links between the Council-nominated Minister of Defence, Mahdi al-Barghathi, and the Benghazi Defence Brigades seem to have further fragmented the Council into irreconcilable positions.

27. In discussions with the Panel, representatives of southern tribes and former regime constituencies denounced the limited representativeness of the Presidency Council.

B. Two additional Governments

28. The Prime Minister of the National Salvation Government, Khalifa Al-Ghweil, continues to undermine the Libyan Political Agreement. He has been attempting to re-establish the pre-Agreement state of affairs through a series of attacks on ministries and the High State Council's headquarters at Rixos Hotel, over which the National Salvation Government had lost control after the arrival of the Presidency Council.[4] Al-Ghweil's return obliged the Council to increase its dependence on Tripoli-based armed groups to defend the institutions. The National Salvation

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[1] To guarantee its own security and assist with the "policing" of Tripoli, the Presidency Council has to rely on local "security forces" composed of armed groups such as the Rada Force, the Tripoli Revolutionaries Brigade and the Ghnewa Brigade.

[2] "Misrata says relations with PC frozen; road to Tripoli is blockaded", *Libya Herald*, 18 March 2017. Available from www.libyaherald.com/2017/03/18/misratans-say-relations-with-pc-frozen-gate-into-city-from-tripoli-is-blockaded/.

[3] "Al-Serraj: 'I will submit a new government to the Libyan Parliament. We welcome Haftar'", Al Arabiya, 28 September 2016. Available from www.alarabiya.net/ar/north-africa/libya/2016/09/28/السراج-سأقدم-حكومة-جديدة-للبرلمان-الليبي-ونرحب-بحفتر.html.

[4] "Armed groups led by Khalifa al-Ghweil control the Ministries of Defence and Justice in Libya", Al Weeam, 12 January 2017. Available from www.alweeam.com.sa/444293/مجموعات-مسلحة-بقيادة-خليفة-الغويل-تسي/.

Government was weakened in March 2017, following its ousting from Tripoli and the reported injury of Al-Ghweil.

29. Al-Ghweil challenged the Presidency Council's attempts to constitute a Presidential Guard by creating the National Guard,[5] composed of "anti-Government of National Accord" armed groups from Misratah and Tripoli. The creation of this unit led to a series of armed clashes in Tripoli. Armed groups supporting Al-Ghweil, such as the National Guard, the Al-Marsa al-Kubra Brigade and groups supported by the former Libyan Islamic Fighting Group, clashed with groups from Tripoli, such as the Special Deterrence Force, the Abu Salim Brigade and the Tripoli Revolutionaries Brigade (see para. 55). The latter groups have shown opportunism in their support of the Council, guaranteeing its security in exchange for recognition and financial support (see recommendation 1).

30. On 13 February 2017, the reopening ceremony of Tripoli International Airport, presided over by Al-Ghweil and Salah Badi, was organized as a show of force. Meanwhile, Al-Ghweil and his eastern counterpart, Abdallah al-Thinni, the Prime Minister of the Interim Government, organized political negotiations challenging the PC.[6]

31. In Bayda', Al-Thinni remains firmly opposed to the Presidency Council, including by trying to stay in control of the diplomatic missions of Libya.[7]

32. Both Al-Thinni and Al-Ghweil have repeatedly criticized the Presidency Council for "allowing Libya to be ruled by foreign powers". In January 2017, Al-Thinni released a communiqué stating that the "Government of National Accord was under the protection of thousands of troops from Italy" (see annex 8). Moreover, according to Al-Thinni, military operations by the Libyan National Army were the only way to resolve the Libyan crisis.[8]

C. Insistence of the House of Representatives on amending the Libyan Political Agreement

33. The President of the House of Representatives, Aguila Saleh, is a strong opponent of the current Presidency Council and its executive functions. In September 2016, Saleh called upon the members of the House to stop collaborating with the ministries responding to the Council.[9]

34. In response to Al-Serraj's calls for a renewal of the political dialogue, Saleh insisted on direct negotiations with the High State Council. The House of Representatives designated a 15-member committee to negotiate an amendment to the Libyan Political Agreement, in accordance with the Cairo declaration.[10] Saleh's

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[5] "Clashes between GNA and NSG forces in Tripoli", Afrigatenews, 8 February 2017. Available from www.afrigatenews.net/content/معارك-بين-قوات-الإنقاذ-والوفاق-في-طرابلس.

[6] See www.youtube.com/watch?v=l29vZHAf0zs&feature=youtu.be.

[7] "Al-Thinni meets the Consul General of the Sudan in Libya", Libya al-Mostakbal, 26 December 2016. Available from www.libya-al-mostakbal.org/10/12543/الثني-يلتقي-القنصل-العام-للسودان-لدى-ليبيا.html.

[8] Hadi Fornaji, "Thinni spurns calls for political dialogue, says 'military solution' is only answer to Libya crisis", *Libya Herald*, 8 April 2017. Available from www.libyaherald.com/2017/04/08/thinni-spurns-calls-for-political-dialogue-says-military-solution-is-only-answer-to-libya-crisis/.

[9] "Saleh calls for [stakeholders] to refrain from cooperating with the ministers of the GNA and continue cooperating with the interim Government", Al-Marsad, 26 September 2016. Available from http://almarsad.co/2016/09/26/صالح-يدعو-لعدم-التعامل-مع-وزراء-حكومة-ال/.

[10] "Full details of the Haftar-Al-Serraj agreement in Cairo", Al-Arabiya, 15 February 2017. Available from www.alarabiya.net/ar/north-africa/2017/02/15/التفاصيل-الكاملة-لاتفاق-حفتر-والسراج-في-القاهرة.html.

main concern is the organization of the armed forces, in particular the appointment and scope of authority granted to the Supreme Commander (art. 8 of the Libyan Political Agreement). It appears that Saleh wants to maximize the power of the Libyan National Army (LNA) and Khalifa Haftar.

35. The House of Representatives is divided, and a significant group opposes the uncompromising positions taken by Saleh. The attack on the oil crescent by the Benghazi Defence Brigades in March 2017 and the subsequent decision of the House to stop any further dialogue with the western side exacerbated these divisions.

36. The Panel met with the House of Representatives in November 2016. Some of the members asserted that the Presidency Council had no constitutional basis and that its members were neither elected nor endorsed by the House. In addition, it was "dominated by participants in Fajr Libya", allegedly promoting an Islamist agenda. The House also suggested changes to the Libya sanctions regime, including the lifting of the arms embargo for LNA (see annex 9).

D. Military rule of the Libyan National Army

37. A key political development in eastern Libya was the appointment by the House of Representatives of a Military Governor of the Darnah-Bin Jawwad region, leading to the replacement of civil mayors with military staff. Decisions taken by the Military Governor, Abd al-Razzak al-Nadhuri, who is also the Chief of Staff of LNA, included significant restrictions on public liberties in eastern Libya. For instance, he issued a decision to ban the holding of demonstrations in Benghazi without his written permission.

38. LNA detained or intimidated dozens of activists, members of the House of Representatives and justice and security personnel in the region stretching from Tubruq to Bin Jawwad in order to silence political opposition.

39. On 16 February 2017, Abd al-Razzak al-Nadhuri issued a decision to ban unaccompanied women under the age of 60 from travelling.[11] In 2013, a similar fatwa was issued by Mufti Al-Gharyani. In addition, an obligation to obtain security clearance from the General Investigations Apparatus (referred to as the Internal Security) before travel was imposed on all Libyans (see annex 10).

40. The rise of Salafi influence and LNA military rule mutually reinforce control over society. In January 2017, the seizure of a shipment of books by the Criminal Investigation Department in Marj was sanctioned by the Committee for Islamic Endowments (*awqaf*), undermining the authority of the Ministry of Information and Culture. This event showed the influence of Madkhali[12] clerics in eastern Libya over State institutions.[13] The head of the Committee, Mas'oud al-Nadhuri, was selected by Saudi Sheikh Usama al-Utaibi in 2014 to teach the Salafi-Madkhali creed (see annex 11). This selection was validated by Rabi' al-Madkhali, a prominent Saudi Salafi scholar.[14]

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[11] "Al-Nadhuri: ban on Libyan women's travel without a guardian was decided by national security considerations", Al-Wasat, 20 February 2017. Available from http://alwasat.ly/ar/news/libya/133492/.

[12] Strict version of quietist apolitical Salafism, referring to Saudi scholar Rabi' al-Madkhali; it calls for absolute obedience to rulers.

[13] "The true facts about the books seized in Marj", Al-Wasat, 22 January 2017. Available from http://alwasat.ly/ar/news/culture/130772/.

[14] "A compendium of sheikhs' endorsements of certain religious students in the eastern region — Marj", Bayenah Salaf, 16 September 2014. Available from http://bayenahsalaf.com/vb/showthread.php?t=22097.

III. Security developments and related criteria

A. Aftermath of events in Sirte and status of Islamic State in Iraq and the Levant

41. The final stages of Operation Bunyan Marsus in Sirte was not without challenges. According to military contacts in Misratah, the operations were interrupted from 28 October to 2 November 2016 because of a shortage of ammunition. The Operation pressured the Presidency Council to provide it with 30 million Libyan dinars, which the Operation used to purchase ammunition on the black market in Sabha.

1. Acting for or on behalf of or at the direction of a listed individual or entity

42. ISIL had established a structured administration in Sirte. The Panel collected evidence of propaganda and documents showing its organization of collective banking, arms management and family life (see annex 12). The Panel also obtained a document from Sirte mentioning the purchase by ISIL of ammunition from Usama Jadhran, Ibrahim Jadhran's brother. The Panel is investigating whether the ammunition originated from the Petroleum Facilities Guard-Central Region (see para. 76 and annex 22).

2. Acts that threaten peace

Status of ISIL

43. The defeat of ISIL in Sirte enabled Misratah to challenge Haftar's portrayal of LNA as the sole Libyan force combating terrorism. It reinforced the international legitimacy of the Presidency Council, as several foreign Governments congratulated Al-Serraj for removing the threat from the Mediterranean shore.[15]

44. ISIL still poses a threat to security in the wider region. The presence of ISIL cells at the outskirts of Sirte, such as Jizh, Ghuraybat, Wadi Zamzam, Suq al-Khamis, Uwaynat and Idrir, is apparent from small incursions of "technicals" equipped with 14.5-mm guns.[16] Operation Bunyan Marsus designated a counter-terrorist force to arrest suspected terrorists and refer them to an ad hoc military court.[17]

Tensions within Operation Bunyan Marsus forces

45. Strong tensions exist among the different components of Operation Bunyan Marsus in charge of securing Sirte and assisting in demining operations. This poses a threat to the stability of Sirte.

46. One brigade affiliated with the Operation, composed mainly of Misratan fighters, guards Sirte's main entrances (see annex 13).[18] Another unit, the Salafi "604" battalion, oversees the town centre. Most of the "604" troops hail from Sirte and are leaning towards the Madkhali creed. They have been trained and equipped

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[15] "Britain's Foreign Office congratulates the Chair on liberating Sirte from the grip of the organization", Ean Libya, 15 December 2016. Available from www.eanlibya.com/archives/104584.

[16] "Monitoring the movements of Da'esh operatives in Zamzam, Wadi Tininay, Urban and Suq al-Khamis", Al-Wasat, 8 January 2017. Available from http://alwasat.ly/ar/news/libya/129438/.

[17] "Al Ghasri: personnel from Operation Bunyan Marsus will join counter-terrorism force", Libya al-Mostakbal, 5 January 2017. Available from www.libya-al-mostakbal.org/88/13121/الغصري-عناصر-من-البنيان-المرصوص-سينضمون-لجهاز-مكافحة-الإرهاب.html.

[18] "Proposal: military force to be tasked with securing Sirte main entrances", *Libya Observer*, 17 December 2016. Available from www.libyaobserver.ly/news/proposal-military-force-be-tasked-securing-sirte-main-entrances.

by the Tripoli-based Special Deterrence Force of Abd al-Raouf Kara. However, they are also in close contact with the LNA General Command through their emir, Abd al-Hamid Ibrahim bin Rajeb al-Ferjani, from Haftar's Ferjan tribe. Representatives of the "604" battalion were reported to have travelled from Tripoli to Bayda' on several occasions.

47. On 16 January 2017, the "604" battalion warned the Muslim Brotherhood and the armed groups affiliated with the former Libyan Islamic Fighting Group against any attempt to open a second front against "forces of the east".[19]

B. Fighting in Benghazi

48. Despite the LNA attritional war in Benghazi, extremist armed groups such as Ansar al Charia Benghazi (QDe.146) and the Benghazi Revolutionaries Shura Council have shown resilience. LNA has achieved relative military victories in the areas of Suq al-Hut, Busnayb and Sabri. By March 2017, LNA had succeeded in controlling most of Benghazi, including Qawarshah and Qanfudah. LNA killed one of the last senior Shura Council leaders, Jalal Makhzoum, whose mutilated corpse was dragged through the streets of Benghazi.[20]

49. LNA operations depend heavily on arms supplies from abroad, as recognized by Saqr al-Jarushi, the air force commander. Al-Jarushi stated that Haftar's son, Saddam Haftar, and LNA envoy Ayoub al-Ferjani were sent on missions abroad to maintain the arms supply.[21] The supply is closely managed by Haftar's inner circle. Sources from the front explained to the Panel that their continued supply of ammunition was conditional on full commitment to the national ambitions of LNA.

50. There have been repeated accusations against LNA of allowing the escape of ISIL combatants from Benghazi to Bani Walid. In an interview, a high-ranking LNA official did not deny these allegations.[22]

51. Recruitment by the Benghazi Revolutionaries Shura Council from Misratah continued until at least January 2017. The Libyan Iron and Steel Company plant is a gathering point for the fighters (see annex 14). Here, they receive their first salary (2,000 dinars) and a weapon. A Misratan businessman, Ashraf ben Ismail, has supervised the medical transport and care of Benghazi fighters, including members of Ansar al Charia Benghazi (QDe.146). In December 2016, the Misratah Municipal Council issued an order to disrupt any military support to the Shura Council. As a response, alternative "supply chains" of fighters were sought, including from the southern Mahamid tribe.

52. In late November 2016, EUNAVFOR MED Operation Sophia inspected a Libyan trawler named *Luffy*, sailing from Benghazi to Misratah. The Operation told the Panel that the *Luffy* had been chartered by "forces controlled by the Government of National Accord" for humanitarian purposes and that the vessel enjoyed sovereign immunity. Therefore, it had not been approached under resolution 2292 (2016). Still, upon invitation, the Operation boarded the vessel on several occasions. Each time, wounded fighters and arms were observed. The captain had informed the Operation that the arms were for self-defence purposes. According to local sources, the *Luffy* is owned by a coastguard officer and member of the Misratah Military

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[19] "'604 Infantry': Muslim Brothers and Libyan Islamic Fighting Group seek to open a front against eastern Libyan forces", Al-Wasat, 16 January 2017. Available from http://alwasat.ly/ar/news/libya/130172/.

[20] See https://youtu.be/2FpGAPW8iLw.

[21] See https://youtu.be/WFqD010pwuI.

[22] See www.youtube.com/watch?feature=youtu.be&v=TywCfngz.

Council. They added that the trawler was regularly transporting wounded fighters and wrapped arms (mortars, anti-tank weapons) (see recommendations 1 and 3).

C. Events in Tripoli and western Libya

1. Acts that threaten peace

Competition between Misratah- and Tripoli-affiliated brigades

53. Clashes between Misratah- and Tripoli-affiliated armed groups continue to undermine the authority of the Presidency Council and security in the Libyan capital, causing many civilian casualties. These clashes have several drivers.

54. First, racketeering and kidnappings by groups affiliated with Misratah fuelled tensions. In March 2017, for example, Qurji, Ghawt al-Sha'al and Hay al-Andalus residents blocked roads and attacked buildings protected by Misratah- and Jadu-affiliated brigades. The protests evolved into an armed confrontation between the Tripoli Revolutionaries Brigade and the Abu Salim Brigade on one side and Misratan brigades loyal to Al-Ghweil on the other (see annex 15). The latter were ousted from the Qusur, Fallah and Qarqarish areas.

55. Second, there is an ongoing power struggle over institutions. An example is the takeover by the Tripoli Revolutionaries Brigade of the General Intelligence branch in Hay al-Andalus (where it seized important archives) in August 2016,[23] and the subsequent reaction of Misratah, from where a force led by Salah Badi was sent to recover the positions lost. According to an Operation Bunyan Marsus commander, "Sirte was a trap to weaken us in Tripoli. We lost many men and vehicles during that war. We are trying to address the situation."

56. In the absence of Presidency Council control and authority, this competition is likely to lead to new clashes, notwithstanding the Tripoli Agreement, signed on 15 March 2017 (see annex 16).

High-profile assassinations

57. The assassination of Nader al-Omrani, a prominent Libyan scholar with the Dar al-Ifta', further exacerbated tensions. Several media reports alleged the involvement of Abd al-Hakim Meqdash, a former affiliate of Abd al-Raouf Kara, in the assassination. Such attacks reinforce the division of Tripoli into zones of control under opposing armed groups, limiting the freedom of movement, including of high-profile personalities.

Links with criminal networks

58. Along the coastline between Tripoli and the Tunisian border, many armed groups are involved in trafficking in persons and fuel smuggling, which have allowed them to obtain substantial wealth (see para. 251). Over the past year, these criminal networks clashed repeatedly, directly or through proxies (see annex 17). In Zawiyah, dozens of casualties were reported in 2016 and 2017. Armed groups involved in criminal activities also challenge local authorities, such as the Sabratah Municipal Council, thereby threatening peace (see annex 18).

59. On 17 August 2016, a speedboat attacked a Médecins sans frontières vessel off the Libyan coast. Two coastguard officers from the Dallah coastguard were involved

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[23] "Forces loyal to the Government of National Accord take control of a General Intelligence position in Tripoli", Libya Channel, 14 August 2017. Available from www.libyaschannel.com/2016/08/14/قوات-موالية-لحكومة-الوفاق-تسيطر-على-موق/.

in the attack. The two identified attackers are loyal to Abd al-Rahman Milad (alias Bija), head of the Zawiyah coastguard and involved in smuggling activities.

2. Attacks against any port in Libya or against a State institution or installation

60. On 14 October 2016, a coalition of armed groups helped return Khalifa al-Ghweil to the High State Council seat in the Rixos Hotel in Tripoli.[24] On 12 January 2017, the National Salvation Government took control of several ministries, including the Ministries of Defence and Justice. Al-Ghweil made use of the opposition to the Presidency Council of some Tripoli-based armed groups and the ambivalence of other armed groups (including the former Libyan Islamic Fighting Group) towards the Libyan Political Agreement. At the time, the Tripoli Revolutionaries Brigade and the Abu Salim Brigade, supposedly allied with the Presidency Council, refused to oppose Al-Ghweil's return to Tripoli, motivated by financial reward.

61. On 18 March 2017, members of the Buni brigade, in charge of protecting Mitiga airport, attacked the Presidency Council headquarters in Abu Sittah, attempting to evict the Council from Tripoli. The group's leadership is close to Mustafa Nuh and Abd al-Hakim Belhaj.

62. On 10 April 2017, a force of 10 "technicals" attacked the residence of the Central Bank of Libya Governor in Tripoli. According to Central Bank sources, the attack was conducted by the Tripoli Revolutionaries Brigade and the Abu Salim Brigade, with the involvement of Hashim Bishr. Armed groups frequently seek to interfere in the business of financial institutions to promote their political or financial interests, including through intimidation (see paras. 191 ff).

63. On 10 October 2016, an armed group close to Al-Ghweil attacked the Civil Registry Authority and killed the Authority's Director, Sadiq al-Nuhaysi. Armed groups repeatedly attacked the Authority's branches to manipulate its data and be able to produce illegally issued passports.

64. The attack against the Misratah Municipal Council on 13 April 2017 highlights increasing tensions as irreconcilable political trends in the city are turning against each other. Positions diverge with regard to the Libyan Political Agreement, dialogue with eastern constituencies, links with radical movements and the situation in the south of Libya.

3. Acting for or on behalf of or at the direction of a listed individual or entity

65. All Libyan parties, including Ansar al Charia Benghazi (QDe.146) and Ansar al-Shari'ah Sirte, competed to control the Civil Registry Authority and passport administrations. This allowed them to illegally issue passports, including to foreign fighters who subsequently travelled abroad. The Panel has reviewed copies of illegally issued passports and was able to confirm the identity of one Sudanese national, who obtained such a passport in Misratah and travelled to Turkey in May 2015 (see annex 19). In August 2015, Turkish authorities imposed visas on Libyan nationals travelling to Turkey in order to limit security risks posed by the political developments in Libya.[25]

66. Foreign recruits of Ansar al Charia Benghazi (QDe.146) and Ansar al-Shari'ah Sirte were hosted in several locations, including Tripoli. They have participated in

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[24] "Khalifa Al-Ghweil, head of the 'revolutionary' Salvation Government", Al Jazeera, 29 October 2017. Available from www.aljazeera.net/encyclopedia/icons/2016/10/27/خليفة-الغويل-رئيس-حكومة-الإنقاذ-الليبية-الثائرة/.

[25] "Turkey imposes visa requirements on Libyans", TRT Arabic, 27 August 2015. Available from www.trtarabic.tv/تركيا-تفرض-تأشيرة-الدخول-على-الليبيين/.

destabilizing operations, such as the attack on the High State Council in Tripoli in October 2016. Foreign fighters were present in Ghabat al-Nasr and Hadabah areas in October 2016, which are controlled, respectively, by Tareq al-Gadban and Khaled al-Sharif, both figures in the former Libyan Islamic Fighting Group.

67. Despite its previous links with local elements from ISIL, the Anas al-Dabbashi Brigade in Sabratah actively fought against ISIL in 2016 and handed over a senior ISIL commander to the Special Deterrence Force in Tripoli. It is unclear whether any links with United Nations-listed entities have persisted since.

D. Conflict in the south

68. The unprecedented escalation in violence in southern Libya starting in April 2017, including air strikes from rival air forces, is another indication of the ongoing power struggles. The visible involvement of the Presidency Council and its nominated Minister of Defence in ordering an attack against LNA forces moving on Tamanhint has deepened the political divide (see annex 20).

69. Tamanhint is Misratah's last military position in the south. The involvement of the Benghazi Defence Brigades and the South Shield Brigade prevented LNA commander Mohammad ben Nayel from taking Tamanhint during the most recent round of fighting, but the fighting is expected to flare up again. The fact that elements within the Benghazi Defence Brigades and the South Shield Brigade have links with Ansar al Charia Benghazi (QDe.146) and Al-Qaida (QDe.004), respectively, is expected to lead to further destabilization and will direct more international attention on southern Libya (see annex 21).

70. The Tebu community, disappointed by the lack of support from LNA, is increasingly divided. For example, Hassan Mussa and Ali Sidi, influential military commanders from Kufrah, fought on different sides (the Benghazi Defence Brigades and LNA, respectively) in March 2017. Divisions are also deepening among the Awlad Sulayman, which fought alongside both warring parties during the Tamanhint clashes.

71. The situation in Kufrah remains very tense: 10,000 Tebu, most of whom are civilians, are still under siege by Zway brigades.

72. In Awbari, in spite of the ceasefire signed in Doha in November 2015,[26] discussions with Tebu and Tuareg leaders revealed persistent tensions, spurred by the national division and the lack of engagement on the part of the Presidency Council in the south.

73. Armed groups that were previously paid and acting as regular forces are at present increasingly involved in illicit activities in order to finance their military presence in southern Libya.

E. Conflict in the oil crescent

1. Threats to peace

74. The struggle to control the oil crescent has reached its most violent stage over the past few months, increasingly taking the shape of a conflict between eastern and western forces. The Benghazi Defence Brigades, which are supported by the Presidency Council-nominated Al-Barghathi, have been joined by fighters from

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[26] "Ban praises Qatar's role in the agreement among Libyan tribes", Al Jazeera, 11 November 2015. Available from www.aljazeera.net/news/arabic/2015/11/25/بان-يشيد-بدور-قطر-في-اتفاق-قبائل-ليبية.

Tripoli, Misratah, Khums, Zliten and the South Shield Brigade. This is a critical threat to the stability and territorial integrity of Libya.

75. The series of events in the oil crescent between September 2016 and March 2017 have exposed the local population's vulnerability when confronted with armed groups that are well equipped and financed. The recruitment and mobilization of local populations is leading to further fragmentation, as witnessed during the most recent attack by the Benghazi Defence Brigades against oil terminals in March 2017, when dozens of members of the Magharba tribe, recruited by each of the opposing sides, were first arrested by the Benghazi Defence Brigades and later by LNA. Exposed to the arbitrary behaviour of these groups, local populations risk becoming more receptive to the influence of extremist armed groups.

2. Acting for or on behalf of or at the direction of a listed individual or entity

76. The presence in the oil crescent of organizations linked to Al-Qaida predates 2011, notably in the area of Nawfaliyah. It has grown with the creation of Ansar al-Shari'ah branches in Sirte and Ajdabiya, where they benefited from State resources provided by Khaled al-Sharif and Ibrahim Jadhran, respectively.[27] An ISIL document obtained by the Panel reveals business links between Usama Jadhran and ISIL commander Abu Usama al-Tunsi. Al-Tunsi was killed in October 2016 by Operation Bunyan Marsus, and his name appears on another ISIL document seized by the Operation (see annex 22).

77. ISIL cells have spread across the oil crescent, notably to the Bani Walid and Nawfaliyah regions, according to sources from the Ministry of Defence in Tripoli. The presence in Nawfaliyah of Ahmad al-Hasnawi (linked to Al-Qaida) during the most recent attack by the Benghazi Defence Brigades in March 2017 raises a number of questions concerning Al-Qaida links with ISIL cells. Opposition between ISIL and Al-Qaida is less pronounced in Libya, which could facilitate the absorption of ISIL elements fleeing Sirte by groups linked to Al-Qaida (see annex 21).

78. The Panel received reports of movements of extremist armed groups in the mountainous region stretching from Lut to Abu Nujaym, at the southern edge of the oil crescent.

3. Attacks against any port in Libya or against a State institution or installation

79. Foreign armed groups from Chad and the Sudan have been involved in looting cars owned by oil companies, which were then sold on the Sudanese market, in the city of Tinah.

80. The current state of insecurity, in addition to the closure of oil terminals by the Petroleum Facilities Guard of Ibrahim Jadhran for over two years, until LNA took control in September 2016, have led to a general deterioration of the infrastructure due to a lack of maintenance.

IV. Regional political and security developments

81. To overcome the political stalemate, in October 2016 UNSMIL submitted a new road map, which inspired the tripartite initiative spearheaded by Algeria, Egypt and Tunisia. The subsequent Cairo declaration adopted in February 2017 did not

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[27] Members of Ansar al-Shari'ah Sirte received salaries as members of brigades affiliated with the Ministry of Defence, such as the Faruq brigade from Misratah.

produce immediate progress.[28] While the countries in the region that the Panel visited expressed the view that the Libyan crisis was a priority for them and that they unanimously supported the Libyan Political Agreement, there are significant differences in views and opinions. Some countries in the region have also provided support to alternative political processes.[29]

82. Regional divisions constitute an obstacle to a political solution in Libya. Two regional alliances have coalesced around Libya. Chad, Egypt and the United Arab Emirates have broadly aligned positions, as do Qatar, the Sudan and Turkey.

A. Involvement of mercenaries

83. Foreign interference in Libya has taken a more direct form with the increasing involvement of Chadian and Sudanese mercenaries. Their actions in the oil crescent are a direct threat to the security and economic stability of Libya (see annex 23). The mercenaries are involved in criminal activities, including trafficking in persons and drugs. In addition, repeated attacks against individuals and property by foreign armed groups in the south of Libya have increased communities' sense of vulnerability and distrust towards LNA and the Misratah Third Force.

84. Former commanders of the Sudan Liberation Army/Minni Minawi confirmed to the Panel that Arab intermediaries and former regime operatives had assisted in, and cash transfers had facilitated, the rapprochement between major Darfuri commanders and the LNA General Command. The Panel also received reports that commanders of the Sudan Liberation Army/Minni Minawi were received in Marj in mid-October 2016.

85. Chadian groups were also hosted in Misratah-controlled bases in Ahjar al-Sawda' and in Sabha. They founded the armed group Front pour l'alternance et la concorde au Tchad in April 2016, after they received important financial and military support in exchange for their mobilization in Libya.[30] According to sources from that group, the movement participated in anti-ISIL operations only. The sources added that all parties, including LNA, offered to recruit them. However, the Panel's investigations revealed that the group participated in an attack led by the Benghazi Defence Brigades in March 2017, when it lost one of its main commanders.

B. Regional impact of mercenary armed groups

86. The Sudan expressed its concern to the Panel that Sudanese armed groups involved in Libya would undermine peace efforts in Darfur. The Chadian authorities, in a meeting with the Panel, minimized the impact of Chadian rebels in Libya. However, on 6 January 2017, Chad announced the closure of its borders with Libya to prevent the infiltration of Chadian rebel fighters, after the LNA air force had struck the positions of the Front pour l'alternance et la concorde au Tchad in Jufrah in December 2016. On 19 January 2017, the French authorities imposed financial sanctions on Mahamat Nuri and Mahdi Ali Mahamat, the founders of the

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[28] "Full details of the Haftar-Al-Serraj agreement in Cairo", Al-Arabiya, 15 February 2017. Available from www.alarabiya.net/ar/north-africa/2017/02/15/التفاصيل-الكاملة-لاتفاق-حفتر-والسراج-في-القاهرة.html.

[29] "Tunisian National Salvation Front asks for financial and media support from the United Arab Emirates", Al Arabi 21, 19 January 2017. Available from http://m.arabi21.com/story/979349/الإنقاذ-التونسية-تطلب-دعما-ماليا-وإعلاميا-من-الإمارات.

[30] "Le 'FACT', nouvelle rébellion créée dans le nord du Tchad", *Journal du Tchad*, 12 April 2016. Available from www.journaldutchad.com/article.php?aid=9047.

group, for a six-month period. France has not clarified to the Panel whether this is related to their mercenary activities in Libya (see annex 23).

C. Military advisers in Tripoli

87. The Panel confirmed the presence of Palestinian military experts in Tripoli. Interviewed by the Panel, a Palestinian official denied any activity in Libya. However, he confirmed that eight members of his faction, who were members of the Palestinian diaspora in Libya, had been arrested in Tripoli in the course of 2016. The Panel is still investigating the case.

V. Acts that violate applicable international human rights law or international humanitarian law or acts that constitute human rights abuses

88. The Panel continues to receive frequent reports of serious human rights violations. The absence of the rule of law and institutional control over armed groups, some of which continue to operate under official mandates, have led to a deterioration of the human rights situation (see recommendation 13).

A. Kidnappings, arbitrary detention and torture

89. Detention conditions continue to be inhumane throughout Libya, and formal and informal detention centres are under the control of armed groups. Arrests and detentions by armed groups do not respect due process. The Panel received numerous reports of kidnappings and arbitrary detentions used by armed groups for political or material benefit. Politicians, activists, bank employees and journalists are frequent targets.

1. Eastern Libya

90. The Panel received testimonies indicating the existence of "a secret section of the Qarnadah prison" in Shahhat. Victims said that they had been kidnapped by a local armed group headed by Ahmad al-Gharour (killed in Ajdabiya in March 2017). They were later handed over to LNA and imprisoned in a secret section in Qarnadah. Denial of access to sanitation, psychological torture and the "savage beating of some prisoners" were reported. According to testimonies, Munir Belaz and Rabi al-Sharif (from the Salafi al-Tawhid brigade) supervise the secret section. Belaz was officially mandated by the LNA Chief of Staff, Abd al-Razzak al-Nadhuri, to guard the perimeter of the prison. Secret LNA detention centres also exist in the rural areas of Benghazi and are run by Salah al-Huweidi and Mahmud al-Warfalli. In many cases, no prisoners' lists were made available to human rights organizations and families of detainees.

91. The Panel also documented cases of torture and a case of sexual assault in the Internal Security Apparatus section in Kuwayfiah, under the command of Colonel Mohammad Idriss al-Seaiti (see annex 24).

2. Western Libya

92. The Panel received evidence of mistreatment, torture and denial of access to medical care in the Hadbah prison in Tripoli. Khaled al-Sharif, in charge of the prison, used the detention of key former regime figures in Hadbah to obtain political leverage over former regime constituencies during the national reconciliation talks

held in Doha in April 2016. Several individuals in charge of the prison are directly involved in human rights abuses (see annex 25).

Armed groups affiliated with the National Salvation Government

93. Armed groups affiliated with the National Salvation Government were involved in several cases of kidnapping and torture. The Presidential Security, headed by Mohammad Salem Dimona, used detention centres in the Felah area (the detention centre of the Department for Combating Illegal Migration) and in the Rixos Hotel area (see annex 26). Dimona, who moved to Tripoli International Airport in March 2017, was directly responsible for the kidnapping of several individuals, including high-profile figures.

Armed groups affiliated with the Presidency Council

94. The Panel received testimonies of kidnappings, arbitrary detention and torture of journalists and activists involving Haytham al-Tajuri, the commander of the Tripoli Revolutionaries Brigade, currently known as the First Security Division of the Central General Security Administration after it received an official mandate from the National Salvation Government and, later, the Government of National Accord (see annexes 27 and 28 and recommendation 1).

95. The Special Deterrence Force, headed by Abd al-Raouf Kara, runs a detention centre in Mitiga, where, in a separate section, 300 to 500 individuals are held because of suspected affiliation with "terrorist organizations". The list of those prisoners was not made available to human rights organizations, which could not visit the separate "political" section. The Panel received reports of torture and mistreatment but could not verify these allegations.

96. In Warshafanah, kidnappings for ransom continue to be widespread. In early 2016, the head of a Warshafanah brigade, Nasr al-Din Bu Omayed, executed a Libyan official detained in his informal detention centres. Kidnappings by the Warshafanah were also motivated by vengeance or to organize an exchange for "their" people who were kidnapped by armed groups in Tripoli.

B. Mass killings

97. On 22 July and 28 October 2016, 14 and 10 bodies, respectively, were found in Benghazi. They showed bullet wounds and signs of torture, indicating that the victims had been executed. The Panel understands that at least 10 victims were identified and that some of them had previously gone missing in areas under LNA control. LNA officials interviewed by the Panel stated that the investigation fell under the authority of the Military Governor of the Darnah-Bin Jawwad region.

98. On 11 June 2016, the bodies of 11 former regime loyalists were found in Tripoli. They had previously been held at the Ruwaymi detention centre, and a Tripoli court had ordered their release on 8 June 2016. It was reported that the prison administration had deliberately delayed their release and handed them over to an armed group, which executed them. On 8 June 2016, the Dar al-Ifta' had rejected the release of former regime prisoners, ruling that it violated Islamic law.[31]

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[31] "At the outset of the blessed month of Ramadan, 12 truths to remember and learn from", Ifta.Ly, 5 June 2016. Available from https://ifta.ly/web/index.php/2013-04-23-10-53-45/3352-12factsinramadan.

C. Summary executions of prisoners

99. In Sirte and Benghazi, armed groups conducted summary executions of prisoners of war, in clear violation of the Geneva Conventions.[32]

100. Two videos posted on social networks reveal the summary execution of four Benghazi Revolutionaries Shura Council prisoners by LNA personnel, including Colonel Mahmud al-Warfalli. LNA said to the Panel that Al-Warfalli had been placed under arrest. However, as at 9 April 2017, Al-Warfalli appeared to still operate as the front-line commander of the LNA special forces. In June 2016, the Panel had already received reports that Al-Warfalli conducted summary executions (see annex 29). LNA Salafi commanders have publicly called for the execution of "apostates".[33]

101. Operation Bunyan Marsus brigades also conducted summary executions in Sirte. There have been dozens, according to a field commander of the Operation. The Panel is still investigating those cases.

D. Indiscriminate attacks

102. ISIL and the Benghazi Revolutionaries Shura Council repeatedly shelled the civilian neighbourhoods of Benghazi under the control of LNA. They also frequently used improvised explosive devices in residential areas, causing the death and injury of many civilians.[34]

103. In parallel, the LNA leadership showed disregard for civilians trapped in the areas of Qanfudah and Darnah, causing several civilian deaths. Negotiations to allow for a safe evacuation of civilians trapped in Qanfudah were unsuccessful, owing to the lack of real commitment on the part of LNA and the Benghazi Revolutionaries Shura Council.

E. Human rights violations against migrants

104. Abuses against migrants were widely reported, including executions, torture and deprivation of food, water and access to sanitation. The International Organization for Migration (IOM) also reported enslavement of sub-Saharan migrants.[35] Smugglers, as well as the Department to Counter Illegal Migration and the coastguard, are directly involved in such grave human rights violations (see also para. 245).

105. Abd al-Rahman Milad (alias Bija), and other coastguard members, are directly involved in the sinking of migrant boats using firearms. In Zawiyah, Mohammad Koshlaf opened a rudimentary detention centre for migrants in the Zawiyah refinery. The Panel collected information on abuses against migrants by several individuals (see annex 30). In addition, the Panel collected reports of poor conditions in migrant detention centres in Khums, Misratah and Tripoli (see para. 93 and annex 31).

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[32] Geneva Conventions of 12 August 1949, art. 3, and Additional Protocol II of 8 June 1977, art. 4 (2) (a).

[33] See www.youtube.com/watch?v=wfQJxu2W6Zc.

[34] "Three children die in Gwarsha explosion: update", *Libya Herald*, 2 May 2016. Available from www.libyaherald.com/2016/05/02/four-children-die-in-gwarsha-explosion.

[35] IOM, "IOM learns of 'slave market' conditions endangering migrants in North Africa", 11 April 2017. Available from www.iom.int/news/iom-learns-slave-market-conditions-endangering-migrants-north-africa.

VI. Implementation of the arms embargo

A. Overview

106. Arms have continued to be illicitly transferred to and from Libya on a regular basis. While outflows have continued to be moderate, consisting mainly of small arms and light weapons, materiel entering Libya has been of an increasingly sophisticated nature. External assistance to armed groups in terms of direct support, training and technical assistance has also increased. At least two of the armed groups operating in Libya have expanding air forces, which have been used in attacks against other armed groups and each other. The Panel has reviewed commercial satellite imagery of relevant Libyan airports and airfields in order to investigate the development of air capabilities.

107. The political process that the exceptions to the arms embargo were designed to support has not developed in the manner anticipated, as the relationship between armed groups and political entities remains transactional and transitional. The Government of National Accord has not provided information on the structures of security forces under its control, nor has there been any demonstration of such control.

108. Such issues highlight the need for the continuance of the arms embargo with a clear identification of those armed and security forces that can legitimately benefit from exceptions and exemption requests.

B. Transfers of materiel to Libya during the revolution (February-September 2011)

109. The Panel has continued to investigate deliveries of weapons and ammunition made during the revolution.

1. Tunisia

110. Insurgents on the western front depended on transfers from Benghazi over the sea route to Tunisia and onward to the Nafusa Mountains.[36] After a meeting between the late General Abd al-Fattah Younis and foreign representatives in mid-April 2011, it was decided to organize a major delivery to the western front.[37]

111. The Panel has collected over eight accounts of a delivery by sea, paid for by Qatar, of about 40 tons of military equipment to Zarzis, allegedly escorted by the Tunisian armed forces to the Dhehiba-Wazin border post with Libya.[38] The Panel found that one maritime delivery had been made to the port of Zarzis by the end of April 2011. Furthermore, in an interview with the television channel Al-Arabiya, the former Prime Minister of the transitional Government of Tunisia, Beji Caïd Essebsi, confirmed that Qatar had received permission to transfer military equipment to

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[36] Matt Robinson, "Qatari weapons reaching rebels in Libyan mountains", Reuters, 31 May 2011, available from www.reuters.com/article/us-libya-weapons-idUSTRE74U3C520110531; Elizabeth Dickinson, "The gun smuggler's lament", Foreign Policy, 2 November 2015, available from http://foreignpolicy.com/2015/10/02/the-gun-smugglers-lament-libya-zawiya-osama-kubbar-qatar-weapons-arms-proxy/.

[37] "Libya conflict: France airdropped arms to rebels", BBC News, 29 June 2011. Available from www.bbc.com/news/world-africa-13955751.

[38] Wolfram Lacher and Ahmed Labnouj, "Factionalism resurgent: the war in the Jabal Nafusa", in *The Libyan Revolution and its Aftermath*, Peter Cole and Brian McQuinn, eds. (Oxford University Press, 2015), pp. 257 ff.

Libya through Tunisia using the Remada military airbase[39] around 52 km from the Dhehiba-Wazin border post.[40]

112. Between May and June 2011, the dirt airstrip south of Zintan was graded to allow military cargo planes such as the C-17 to land safely. Since then, most transfers to the western front have been conducted by air, bypassing Tunisia (see S/2012/163, para. 94, and S/2013/99, paras. 70-91).

2. Turi

113. The Panel previously reported on Marc Turi and the Turi Defense Group (see S/2016/209, para. 112 and annex 23), concerning attempts to export weapons to Libya during 2011.

114. A United States Department of Justice prosecution of Turi was due to have commenced on 8 November 2016 in Phoenix, Arizona. The case was dropped in October 2016, with prosecutors quoted as saying that "'discovery rulings' from [the] U.S. District Court Judge … contributed to the decision to drop the case".[41] The joint motion to dismiss is shown in annex 32. The Panel notes that the document states, "While the parties disagree on the facts of this case and the defendants deny any criminal conduct, the defendants acknowledge that the charges obtained in this case were based in fact", indicating the existence of networks whose purpose was the import of weapons into Libya.

115. Panel enquiries with the United States requesting further information on the case have not elicited any additional details, and attempts to contact Turi's legal representatives have not received a response.

3. Italian network

116. Italian police arrested three Italian nationals in January 2017. They are accused of smuggling helicopters and weapons, including surface-to-air missiles, assault rifles and anti-tank missiles, to Libya (and the Islamic Republic of Iran) between 2011 and 2015.[42]

117. The case is still the subject of an ongoing legal process in Italy, and the Panel continues to investigate.

118. The Panel previously reported on arms transfers from Italy in 2011 (see S/2015/128, annex 17). Potentially related to the alleged transfer of arms from the island of Santo Stefano to Benghazi, the Panel confirmed with a former revolutionary that he had received an arms delivery from Italy "that had originated from the Balkans".

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[39] The Remada military airbase has the code DTTD. See http://ourairports.com/airports/DTTD/.

[40] See www.youtube.com/watch?v=y9O4VMEFFhM; the same point was made by two key figures in the procurement of military equipment during the revolution, Abd al-Hakim Belhaj and Ali Muhammad al-Sallabi, see www.youtube.com/watch?v=02vhWVAlI6Y and www.youtube.com/watch?v=ea-c4KtYs0M.

[41] Kenneth Vogel and Josh Gerstein, "Obama DOJ drops charges against alleged broker of Libyan weapons", Politico, 5 October 2016. Available from www.politico.com/story/2016/10/marc-turi-libyan-rebels-hillary-clinton-229115.

[42] "Italy police arrest four for smuggling arms to Iran, Libya", Malta Today, 31 January 2017. Available from www.maltatoday.com.mt/news/world/73976/italy_police_arrest_four_for_smuggling_arms_to_iran_libya#.WOD3TBLyvgE.

C. Transfers of materiel after the revolution (September 2011-August 2014)

119. The Panel previously expressed its concern about the impact of transfers of military equipment in the absence of transparent and traceable procurement practices. Several deals concluded with end-user certificates being signed by the then Deputy Minister of Defence, Khaled al-Sharif, including such that were notified to the Committee, have been discussed in a previous report (S/2015/128, paras. 112-117 and 134). At present, such materiel continues to be diverted (see annex 33).

120. In this vein, the Panel is currently investigating the alleged purchase of military equipment by two private Libyan companies for the Benghazi Joint Security Room, which was created in 2013, bringing together the special forces of Benghazi, Libya Shield and several extremist armed groups. The deal was brokered by a Jordanian company, and the transport was facilitated through a Libyan subsidiary of a company registered in the United States. No exemption notification was made to the Committee for the military equipment that had been ordered. The Panel continues its investigation. Additional information is provided to the Committee separately.

D. Transfers or potential transfers of materiel, provision of training and technical assistance to Libya since the strengthening of the arms embargo in August 2014

121. Arms and ammunition continue to be transferred to various parties in Libya with the involvement of Member States and brokers. There has also been an increase in direct support from Member States and foreign armed actors, including in the establishment of military facilities.

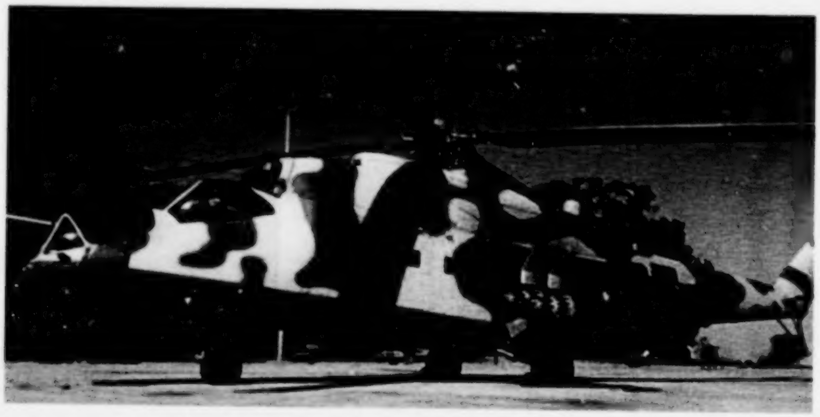
1. Development of LNA air force

Mi-24p helicopters

122. The Panel received information that attack helicopters had been delivered to LNA in April 2015. It also received related pictures showing an Mi-24p with tail No. 785 and serial No. 21785 on a military base in eastern Libya. The Panel traced the origin of the helicopter to Belarus. Belarus has confirmed to the Panel that an Mi-24p helicopter with such markings had been transferred to the United Arab Emirates in 2014 as part of a delivery of four Mi-24p. Belarus had issued an end-user certificate and registered the transfer in the United Nations Register of Conventional Arms of 2015 (A/70/168, p. 6).

123. The Committee did not receive an exemption request for the transfer of this helicopter, nor has Belarus received any request by the United Arab Emirates for authorization of re-export of helicopters. The Panel has sent a letter to the United Arab Emirates asking for detailed information on the transfer of the attack helicopter to Libya but has not received a response.

Figure 1
Photograph of Mi-24p tail No. 785 with Libyan marking



Source: Confidential.

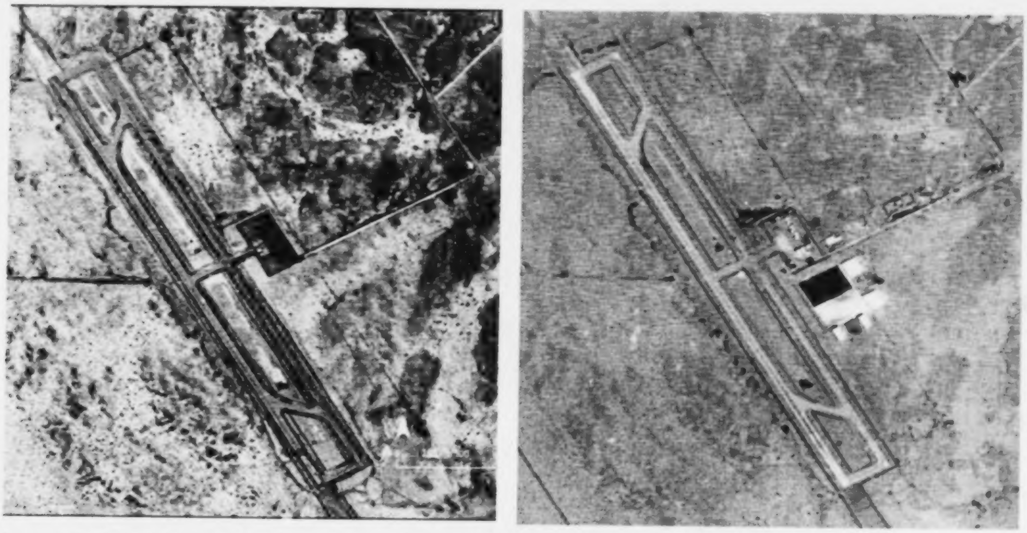
Figure 2
Close-up of serial No. 21785

Source: Confidential.

Khadim airbase

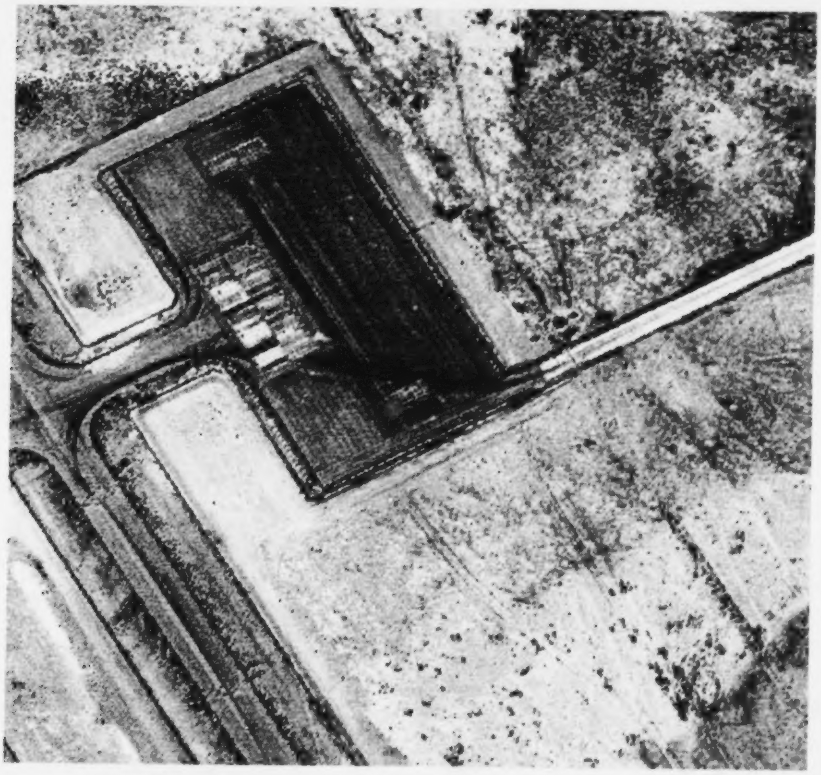
124. The imagery below shows the development of Khadim airbase in eastern Libya since 2014, with a corresponding increase in air assets.

Figure 3
Satellite imagery of Khadim airbase, July 2014 (left) and March 2017 (right)



Source: DigitalGlobe, WorldView-1, 2 July 2014, and WorldView-2, 3 March 2017.

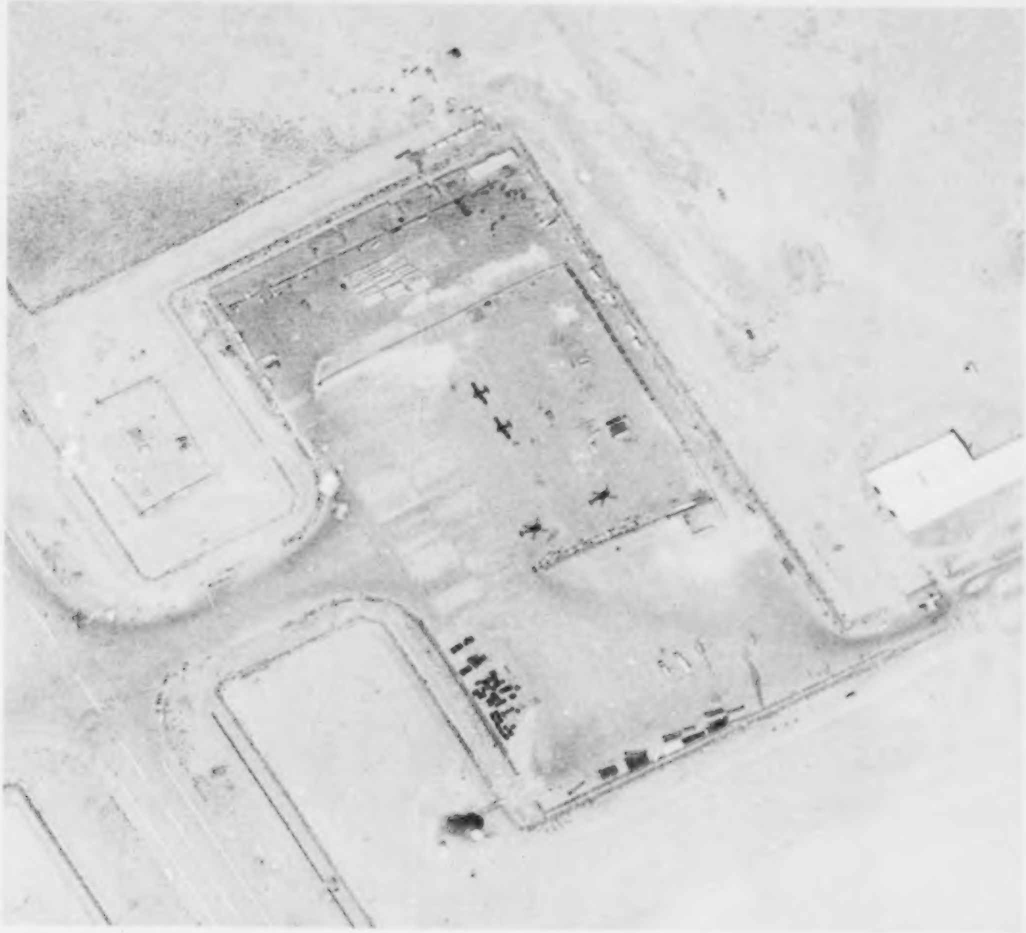
Figure 4
Satellite imagery of Khadim, main apron, July 2014: no airframes or infrastructure at the airbase and a single apron



Source: DigitalGlobe, WorldView-1, 2 July 2014.

Figure 5

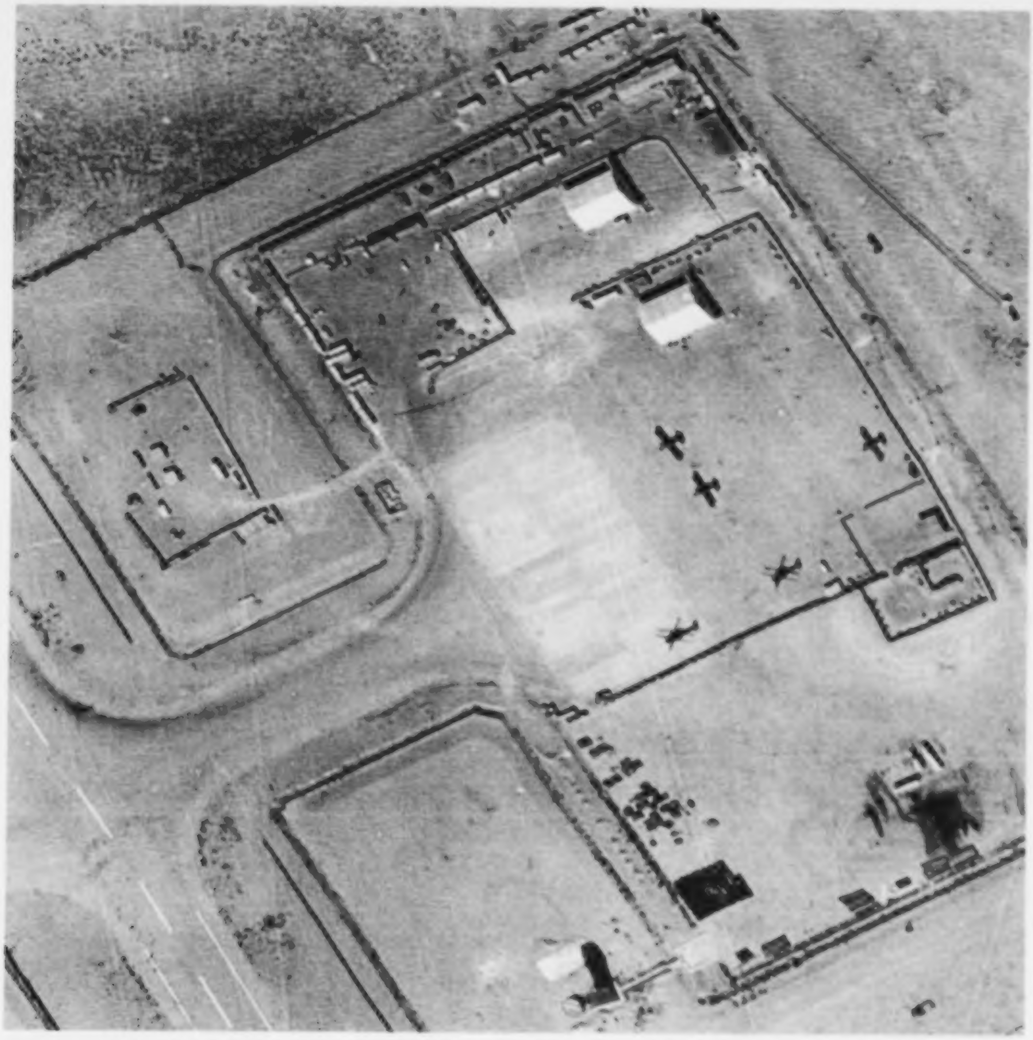
Satellite imagery of Khadim, main apron, June 2016: build-up of infrastructure and presence of Wing Loong unmanned aerial vehicles (see annex 34), AT-802 ground attack aircraft (see paras. 126 ff) and UH-60 helicopters



Source: DigitalGlobe, WorldView-1, 24 June 2016.

Figure 6

Satellite imagery of Khadim, main apron, October 2016: increased number of AT-802 visible; hangars have been built, probably preventing visibility of further air assets



Source: DigitalGlobe, WorldView-3, 16 October 2016.

Note: Reporting by IHS Jane's showed six AT-802s present at Khadim in July 2016 (see also below).[43]

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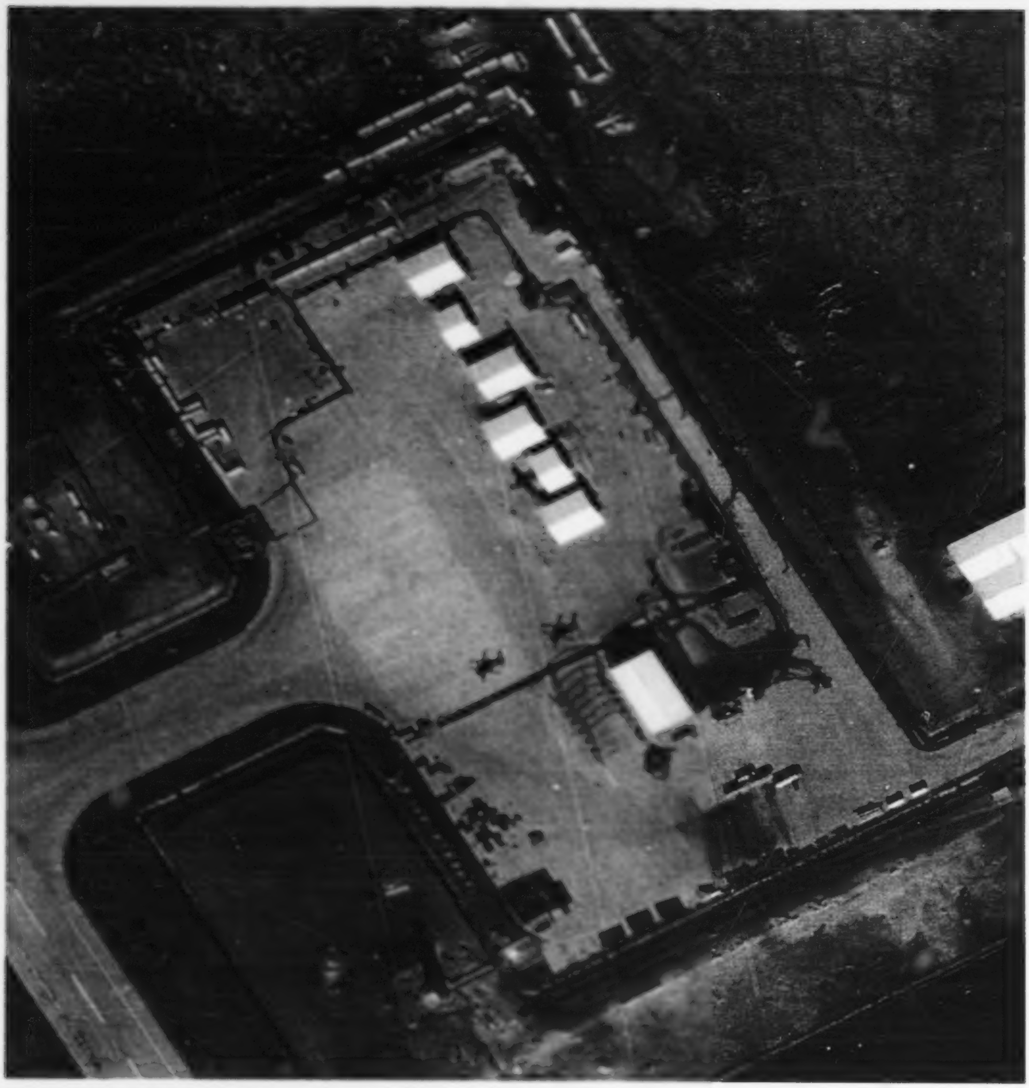
[43] Jeremy Binnie, "UAE's forward operating base in Libya revealed", *IHS Jane's Defence Weekly*, 28 October 2016. Available from www.janes.com/article/64980/uae-s-forward-operating-base-in-libya-revealed.

Figure 7

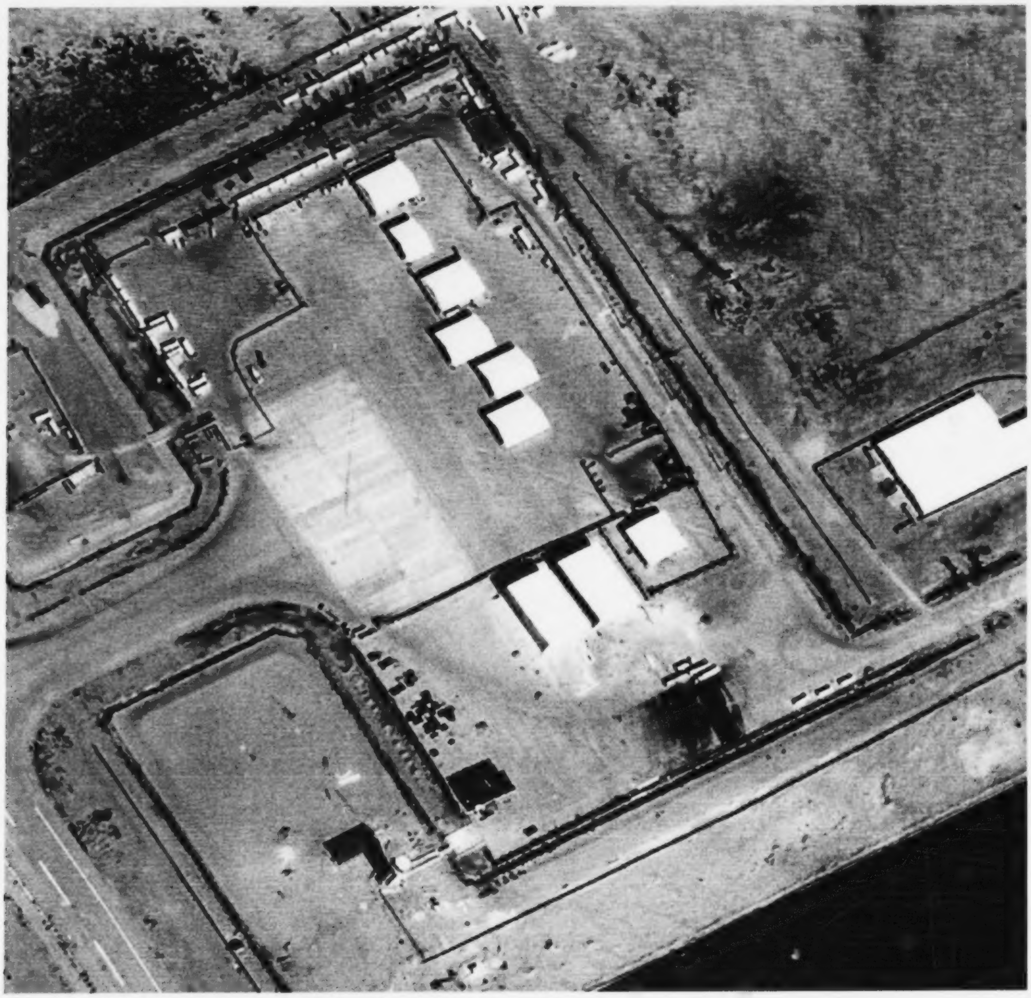
Satellite imagery of Khadim, main apron, December 2016: UH-60s and a single AT-802 still visible; hangar capacity has been significantly increased



Source: DigitalGlobe, WorldView-3, 30 December 2016.

Figure 8

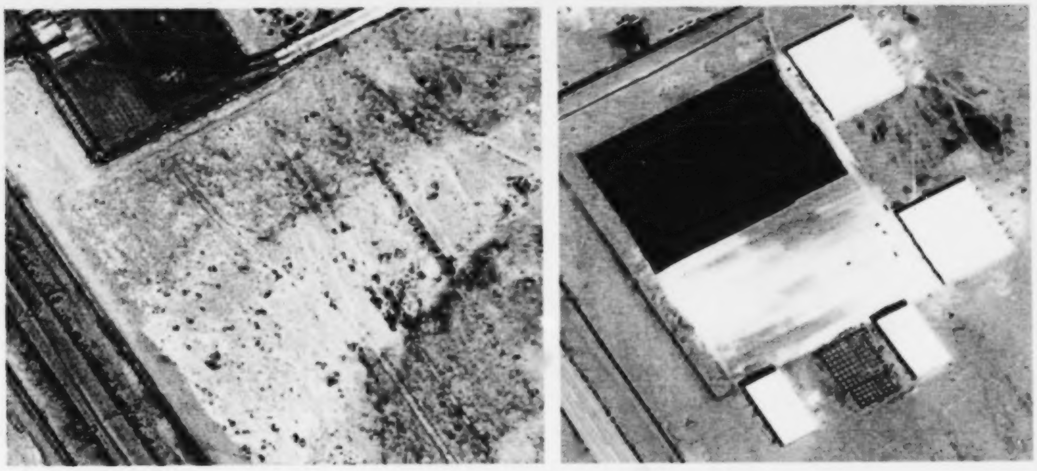
Satellite imagery of Khadim, main apron, March 2017: further hangar capacity developed; all airframes are out of sight



Source: DigitalGlobe, WorldView-2, 3 March 2017.

Figure 9

Satellite imagery of Khadim, southern apron area, July 2014 (left) and March 2017 (right): significant engineering work has been carried out to develop a southern apron and increase hangars, suggesting that further air assets are intended to operate from the airbase

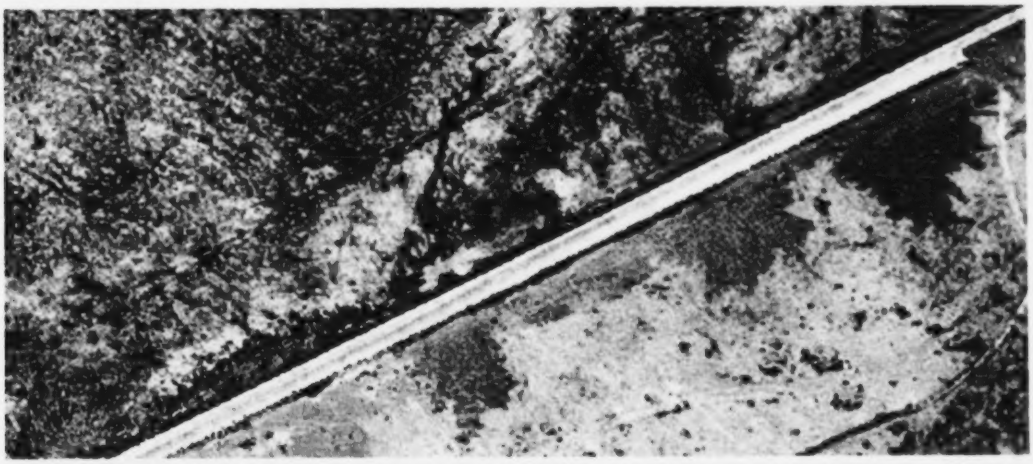


Source: DigitalGlobe, WorldView-1, 2 July 2014, and WorldView-2, 3 March 2017.

Barracks and entrance

Figure 10

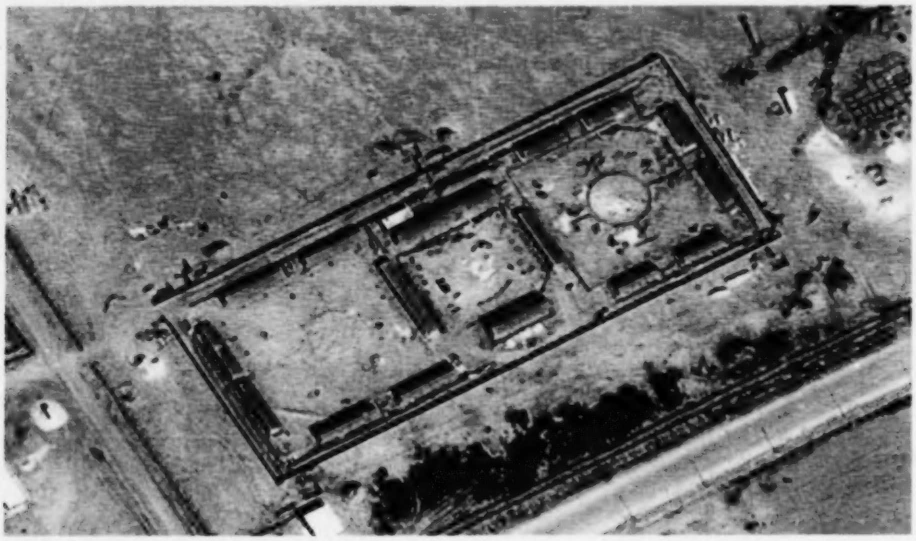
Satellite imagery of Khadim, entrance area, July 2014



Source: DigitalGlobe, WorldView-1, 2 July 2014.

Figure 11

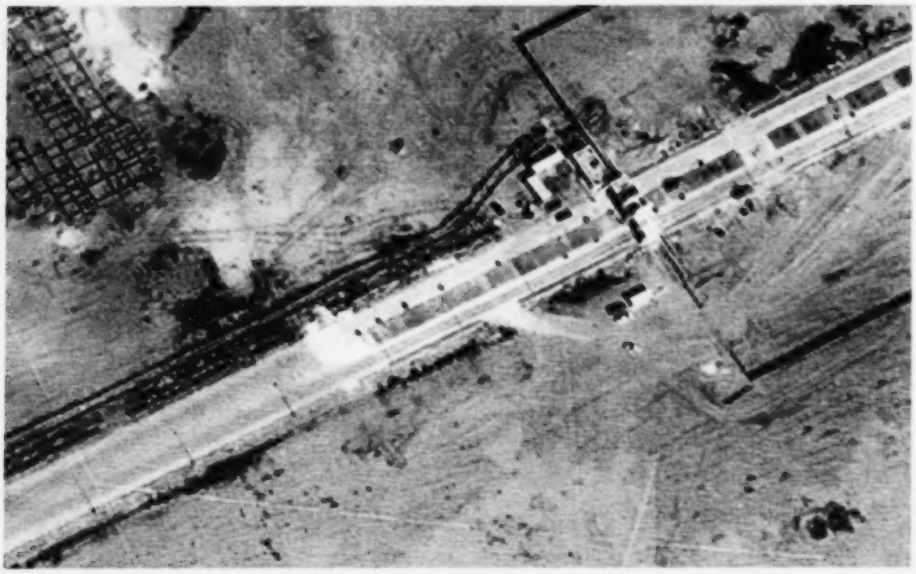
Satellite imagery of Khadim, entrance area, buildings above road, March 2017



Source: DigitalGlobe, WorldView-2, 3 March 2017.

Figure 12

Satellite imagery of Khadim, entrance area, security structure on road, March 2017



Source: DigitalGlobe, WorldView-2, 3 March 2017.

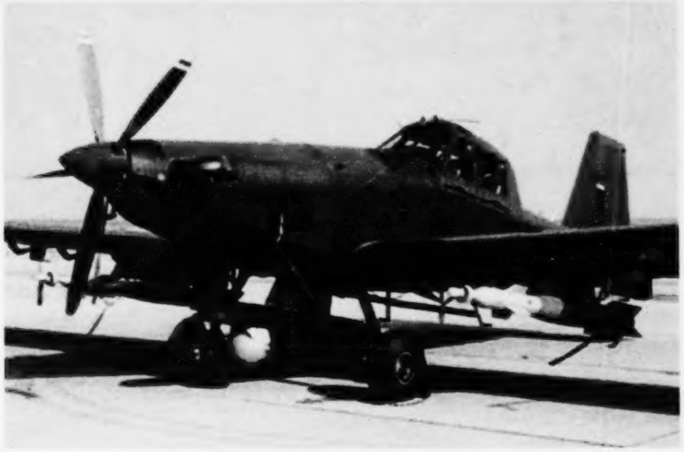
125. The imagery above shows buildings constructed to support increased activity at the airbase and substantive security works that have been carried out at the entrance for control of access.

AT-802i fixed-wing aircraft

126. The Panel has received photographic evidence of an AT-802i fixed-wing aircraft based in LNA in eastern Libya. Iomax USA Inc. has developed and modified a commercial agricultural/fire aircraft for counter-insurgency and border protection, purposed and currently marketed under the brand "Archangel". The Panel could confirm that until February 2017 the only client of Iomax was the United Arab Emirates, for which it had produced and sold 48 units.

127. The first generation of Archangels was based on the AT-802i, a single-engine aircraft built by the United States company Air Tractor. The plane shown in the photograph below was part of a delivery to the United Arab Emirates in March 2011.

Figure 13
Photograph of AT-802i with tail No. 2282



Source: Military Edge (http://militaryedge.org/wp-content/uploads/2014/07/AT-802_UAE.jpg).

128. The first AT-802i sighted in Libya, with tail No. 2287,[44] was part of the same delivery to the United Arab Emirates in March 2011. The aircraft in Libya shows six underwing hardpoints and a forward-looking infrared systems designator turret mounted on an Iomax flexible pod system.

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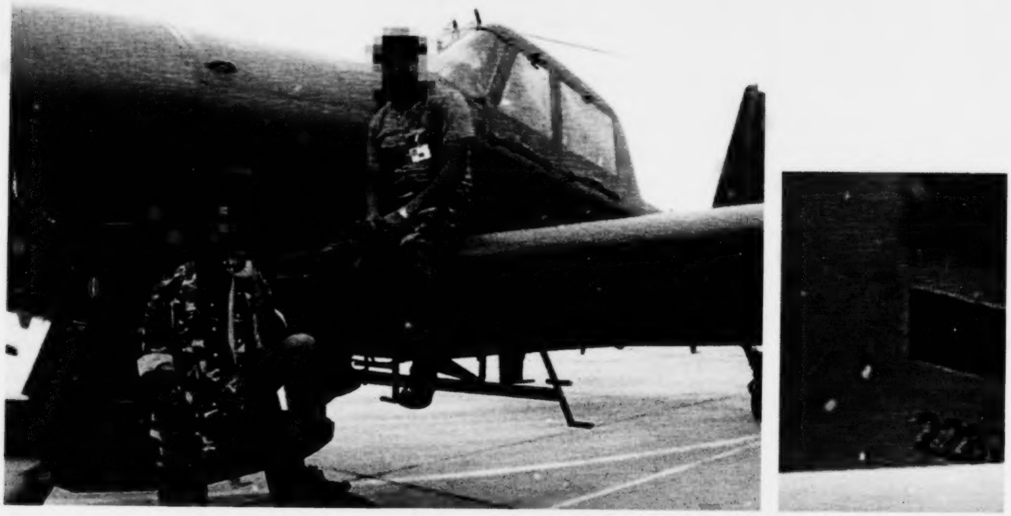
[44] See www.airport-data.com/aircraft/2287.html.

Figure 14
Photograph of AT-802i sighted in Libya with tail No. 2287 (right) and erased flag



Source: Arnaud Delalande.

129. Information on transport aircraft sighted at Khadim can be found in annex 35. The aircraft are believed to be connected to reports that several airlines registered in the Republic of Moldova have been transporting officers and commanders of armed groups allied to Haftar's LNA (see recommendation 5).

130. Details of developments at Al-Abraq airbase can be found in annex 36, and developments at Zintan airbase in annex 37.

Additional attempts

131. The Panel is concerned about retransfers used to conceal LNA as the real end user. The Panel is investigating an ongoing case involving Mi-24v attack helicopters that have been offered to the air force of Haftar's LNA without the submission of an exemption request to the Committee (see annex 38).

International support for LNA

United Arab Emirates

132. The United Arab Emirates have been providing both material support (see paras. 122 ff) and direct support to LNA (see paras. 124 ff), which have significantly increased the air support available to LNA. The Panel has received no response from the United Arab Emirates to its enquiries.

France

133. The presence of French military personnel in Libya was publicly acknowledged by the Ministry of Defence of France,[45] following the deaths of three

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[45] "French Government acknowledges 'secret war' in Libya as three soldiers killed fighting ISIL militants", *The Telegraph*, 20 July 2016. Available from www.telegraph.co.uk/news/2016/07/20/three-french-soldiers-killed-in-libya-as-government-acknowledges/.

operatives in an LNA helicopter crash near the city of Benghazi. The three soldiers were reported to have been on an intelligence-gathering mission in the east of Libya. France has stated to the Panel that its military activities in Libya conform to international law.

Other support

134. The recent air strikes against targets in the oil crescent to support the recapture by LNA of a number of oil terminals demonstrated a capability for night bombing missions that are believed to be outside the capabilities of the integral air force of LNA. Confidential sources suggest that a regional State was responsible. The Panel's investigations are ongoing.

2. Development of the Misratah air force

Investigations relating to aviation capability and mercenaries

135. Aerial attacks from the Misratah airbase have continued since 2016. Two Mirage F1 fighter jets were operational and were flown by at least three foreign pilots acting as mercenaries. They reportedly flew from March until the third week of July 2016. One of them died after his plane crashed on 2 June 2016, having carried out a raid against ISIL in Sirte. Since the crash, only one Mirage F1 in Misratah has remained operational.

136. While the Panel was able to identify the deceased pilot as a national of Portugal and a permanent resident of Germany, the latter State has not provided information that could have helped to disclose relevant leads on the entities that had contracted him and had paid for his services in Libya.

137. A team of engineers from Ecuador has been in charge of the maintenance of the Mirage F1. When contacted by the Panel, Ecuador stated that it had no knowledge of such activities. While a bank account related to the payment of the engineers has been identified, Ecuador has not responded to a Panel request for further details.

138. The company that recruited the engineers is "Gateway to MENA for Logistics Services", registered in Jordan (see annex 39). The representative of the company in the contract is a Moldovan citizen, Sergiu Banari. The Republic of Moldova confirmed that Banari had a connection with the arms broker Rami Ghanem, who holds both United States and Jordanian citizenship. Ghanem had also been involved in the recruitment of the Ecuadorian crews. Ghanem was arrested in Greece[46] on 8 December 2015, after he allegedly tried to ship weapons illegally to Hizbullah.

139. The company has admitted to having "provided some services to the Government of National Accord" and has mentioned that it had an altercation with "a former employee" who was mentioned in the Panel's final report for 2016 and identified as one of the pilots flying the Mirage F1 from Misratah (see S/2016/209, para. 169).

140. Regular money transfers from the Latvijas Pasta Bank (Latvia) were carried out by companies registered in the United Kingdom of Great Britain and Northern Ireland (annex 39, para. 4) to the benefit of several Ecuadorian citizens who had been members of the Ecuadorian Air Force. Regular payments to these individuals were detected between June and December 2015. Engineers received almost $10,000 per month, while pilots received $20,000. The Panel requested further bank

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[46] TO VIMA, "Police arrest 49-year-old man for arms smuggling", 9 December 2015. Available from www.tovima.gr/en/article/?aid=760510.

details from Ecuador and the United Kingdom but has not received the requested information.

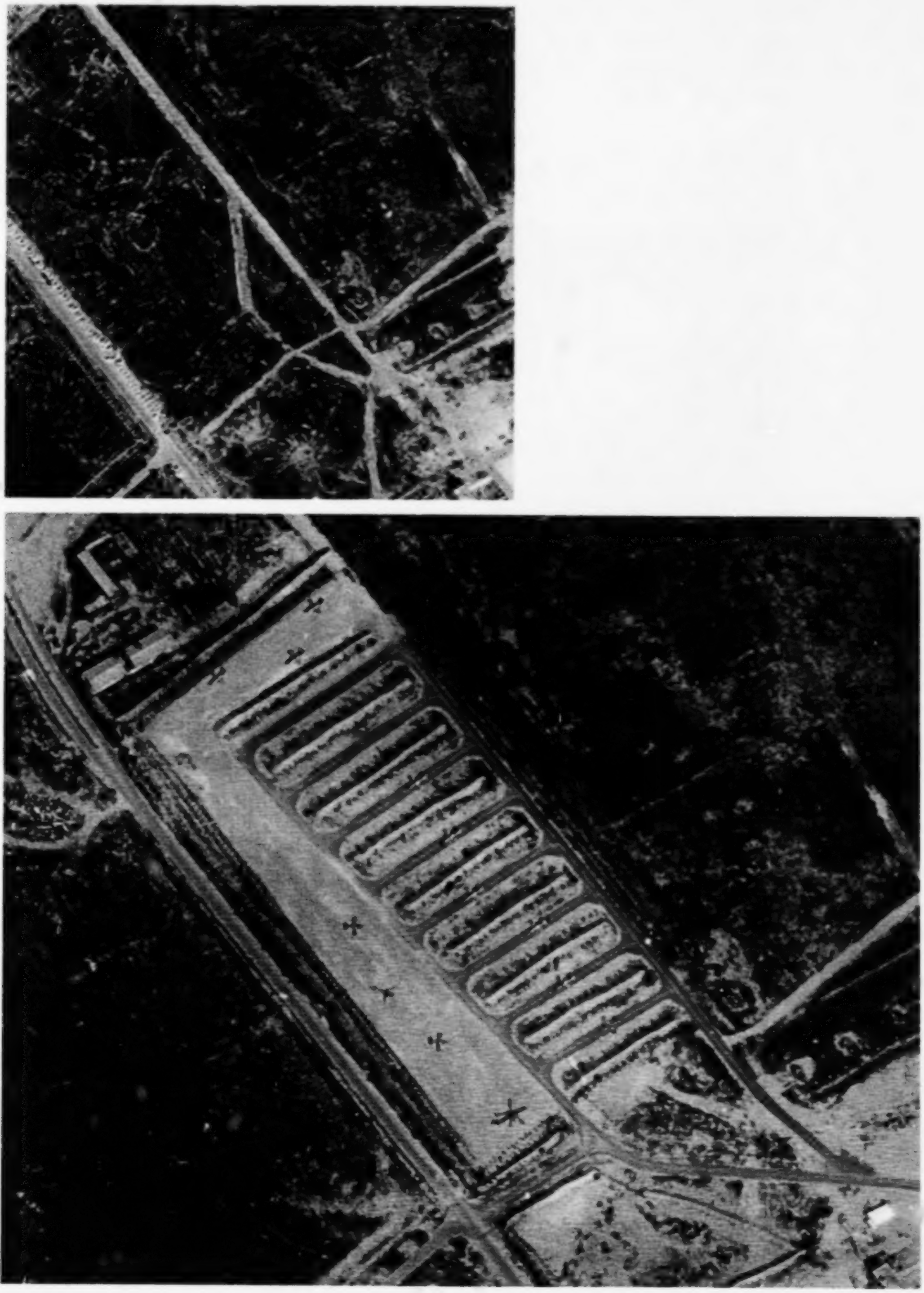
141. The Panel has learned that after the arrest of Ghanem, individuals from Misratah have contracted the Ecuadorian team directly. Some individuals involved have been identified (annex 39, para. 7). Several sources have confirmed that Abdul Salam Fakroum, a well-known Misratan businessman, has also been involved on the logistical side of hosting some crew members outside the airbase in the city of Misratah. He has also been providing the pilots of the Mirage F1 with the coordinates of the targets to be attacked, at least until the operations against ISIL in Sirte started.

Misratah airbase

142. The Misratah airbase has seen an increase in infrastructure and a concentration of air assets since 2014. The images in figure 15 below show the development that has taken place to the north of the main aircraft apron of the airfield since 2014.

Figure 15

Satellite imagery of Misratah airbase, area to the north of main apron, February 2014 (top) and March 2017 (bottom)

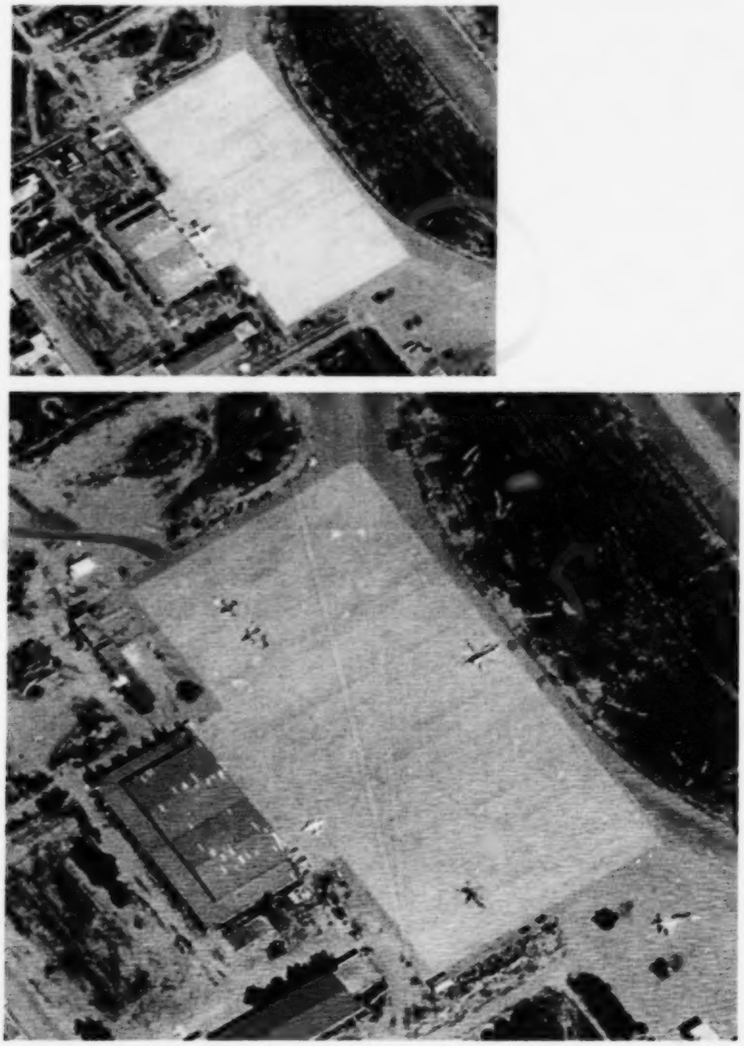


Source: DigitalGlobe, GeoEye-1, 15 February 2014, and WorldView-3, 4 March 2017.

143. With the new hardened taxiways and bermed parking locations, the Misratans have concentrated G2-Galeb and L-39 fixed-wing aircraft in this location. An Mi-24/Mi-35 attack helicopter and two Mi-2 helicopters can also be seen. The Panel has not been able to confirm whether the build-up of aircraft is related to transfers within Libya. It is the Panel's assessment that incoming transfers of new aircraft are unlikely to have occurred; it is more likely that previously unserviceable aircraft have been restored. This is an indicator of the transfer of spare parts and provision of technical assistance.

Figure 16

Satellite imagery of Misratah airbase, main apron, February 2014 (top) and March 2017 (bottom)

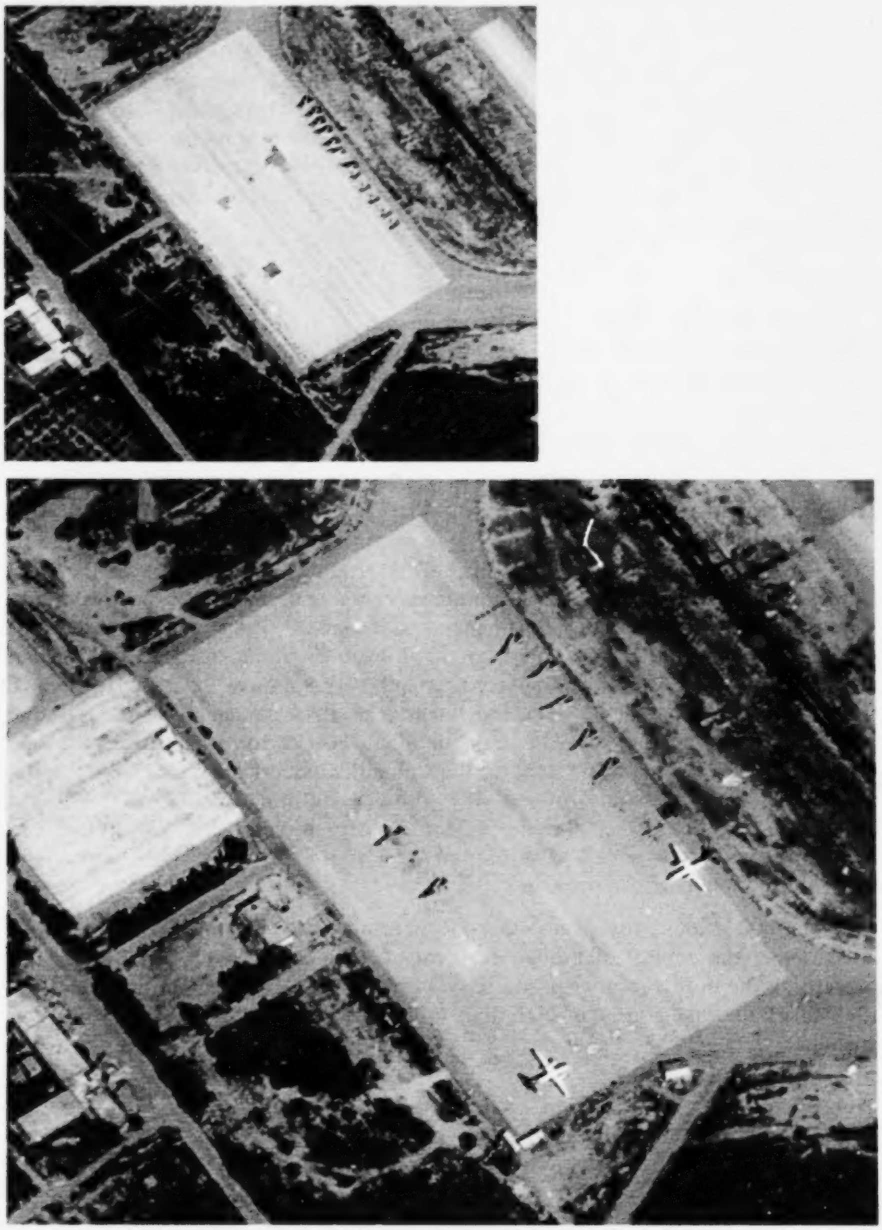


Source: DigitalGlobe, GeoEye-1, 15 February 2014, and WorldView-3, 4 March 2017.

144. The images of the main apron (see figure 16) also show increased use by military aircraft since 2014, including Mi-24/35 and probable Mi-8 helicopters. A MiG-25 fighter aircraft has also been moved to the main apron (bottom right corner).

Figure 17

Satellite imagery of Misratah airbase, southern apron, February 2014 (top) and March 2017 (bottom)



Source: DigitalGlobe, GeoEye-1, 15 February 2014, and WorldView-3, 4 March 2017.

145. While the aircraft parked along the north-eastern edge of the southern apron (see figure 17) are probably unserviceable, the two MiG-23 parked more centrally (one with retracted wings) are assessed to be functioning. A new concrete hard standing can be seen on the upper left side.

International support for Operation Bunyan Marsus

Air strikes

146. At the conclusion of Operation Odyssey Lightning, the United States military stated on 20 December 2016[47] that it had conducted 495 air strikes in Libya as part of the Operation, which began on 1 August 2016. These air strikes were reported to have targeted ISIL command and control assets, fighting positions, vehicle-borne improvised explosive devices, engineering equipment, tanks, heavy weapons and vehicles. The large majority of the air strikes conducted as part of the Operation were conducted in the area of Sirte. The United States repeatedly stated that its air strikes had been conducted "at the request of, and in coordination with, the Government of National Accord".[48]

Special forces

147. The Panel has received consistent reports of Italian, United Kingdom and United States special forces personnel operating in support of the operations of Operation Bunyan Marsus, providing both technical assistance and direct support. None of the countries involved have commented on Panel inquiries into the presence of their special forces within Libya.[49]

E. International support for Libya

148. Paragraph 10 of resolution 2095 (2013) provides an exception to the arms embargo for "supplies of non-lethal military equipment, and the provision of any technical assistance, training or financial assistance, when intended solely for security or disarmament assistance to the Libyan Government". This is further clarified in the twelfth preambular paragraph of resolution 2292 (2016) which specifies: "when intended solely for security or disarmament assistance to the Government of National Accord and the national security forces under its control". Resolution 2292 (2016) also reiterates the Council's request for a focal point in the Government of National Accord to "provide information relevant to the Committee's work on the structure of the security forces under its control", in accordance with paragraph 6 of resolution 2278 (2016). At the time of writing, no such information had been provided.

149. The resolutions provide no other mechanism for identifying national security forces under the control of the Government of National Accord. Given the issues concerning the political process and the transactional and transitional nature of the allegiances of armed groups, including those currently providing support to the Presidency Council, the Panel does not view any grouping as benefiting from this

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[47] United States Africa Command, "AFRICOM concludes Operation Odyssey Lightning", press release, 20 December 2016. Available from www.africom.mil/media-room/pressrelease/28564/africom-concludes-operation-odyssey-lightning.

[48] United States Africa Command, "US air strikes in support of GNA", 4, 7, 8 and 17 August 2016. Available from www.africom.mil/media-room/pressrelease/.

[49] "Libyans say Italian soldiers are fighting alongside them against Islamic State", *La Repubblica*, 10 August 2017, available from www.repubblica.it/esteri/2016/08/10/news/soldati_italiani_in_libia_sirte-145702675/; Anthony Loyd, "British special forces destroy suicide truck", *The Times*, 26 May 2016, available from www.thetimes.co.uk/article/british-special-forces-destroy-suicide-truck-8dxp3r3qt; Hayder al-Khoei, Ellie Geranmayeh and Mattia Toaldo, *After ISIS: How to Win the Peace in Iraq and Libya* (London, European Council on Foreign Relations, 2017), available from www.ecfr.eu/publications/summary/after_isis_how_to_win_the_peace_in_iraq_and_libya_7212; Nick Paton Walsh, "US special forces take the fight to ISIS in Libya", CNN, 26 May 2016, available from http://edition.cnn.com/2016/05/18/middleeast/libya-isis-us-special-forces/.

exception at this time. In view of this, the Panel believes that any supplies of non-lethal military equipment, technical assistance, training or financial assistance to an armed group, without the approval of the Committee, contravenes the arms embargo.

I. Training activities

Coastguard

150. EUNAVFOR MED delivered an initial training package, beginning in October 2016, reportedly for 78 Libyans on board two EUNAVFOR MED vessels. The initial training package was stated[50] to have included basic seamanship and more advanced specialist skills. It was stated in the same document that training was being delivered to both the Libyan coastguard and the Libyan navy. A subsequent statement indicated that 89 individuals had received training in the first training package.[51]

151. A second package of training was started on 30 January 2017 for 20 Libyan coastguard and navy trainees.[52] The statement released by the European Union providing these details again stated that only 78 individuals had been trained in the first package. It also states that the original memorandum of understanding had been signed with the "Libyan navy coastguard" rather than with the navy and the coastguard as separate entities, as the European Union refers to them elsewhere in the same statement and in its other public announcements. In the eighteenth preambular paragraph of resolution 2312 (2016), the Council took note of the decision of the Council of the European Union to expand the EUNAVFOR MED mandate to the training of the Libyan coastguard and navy in law enforcement at sea. However, the anticipated briefing by EUNAVFOR MED to the Committee regarding their activities, as highlighted in the Chair's report of 6 December 2016 (see S/PV.7827), had not taken place.

152. Neither the coastguard nor the navy has been notified to the Committee as part of the security forces under the control of the Government of National Accord, and the issue of control is further highlighted by multiple reports of criminal activities involving the coastguard (see para. 104), most notably by UNSMIL: "Migrants, as well as representatives of international non-governmental organizations that carry out search and rescue operations, have also recounted dangerous, life-threatening interceptions by armed men believed to be from the Libyan coastguard. After interception, migrants are often beaten, robbed and taken to detention centres or

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[50] Union External Action, "EUNAVFOR MED Operation Sophia starts training of Libyan coastguard and Libyan navy", 27 October 2016. Available from https://eeas.europa.eu/headquarters/headquarters-homepage/13195/eunavfor-med-operation-sophia-starts-training-of-libyan-navy-coast-guard-and-libyan-navy_en.

[51] European Union External Action, "EUNAVFOR MED Operation Sophia: HRVP Mogherini attends graduation ceremony of first training package of Libyan navy coastguard and Libyan navy", 7 February 2017. Available from https://eeas.europa.eu/headquarters/headquarters-homepage/20095/eunavfor-med-operation-sophia-hrvp-mogherini-attends-graduation-ceremony-first-training_en.

[52] European Union External Action "Operation Sophia: package 2 of the Libyan navy coastguard and Libyan navy training launched today", 30 January 2017. Available from https://eeas.europa.eu/headquarters/headquarters-homepage/19518/operation-sophia-package-2-libyan-navy-coast-guard-and-libyan-navy-training-launched-today_en.

private houses and farms, where they are subjected to forced labour, rape and other sexual violence".[53]

153. These reports highlight further concerns raised with the Panel over the level of vetting to which trainees have been subject.

Presidential Guard

154. Close protection training has been delivered by France to a unit of the Presidential Guard in Tripoli. The Panel understands that the training is being delivered in batches, with a total of approximately 80 personnel to be trained by mid-2017.

Conclusion

155. The European Union and France have indicated to the Panel that the training was undertaken upon the request of the Presidency Council and Al-Serraj, respectively. Both used paragraph 10 of resolution 2095 (2013) as the authority for their training, without reference to the later resolutions. In the Panel's opinion, it remains unclear as to who can benefit from the exception, with diverging interpretations of the resolutions (see recommendations 1, 2, 3 and 15).

2. Italian military personnel

156. The deployment of an Italian military hospital to Misratah airport came with a simultaneous reported deployment of at least 100 armed military personnel.[54] The presence of armed military personnel as a protective measure for the hospital was confirmed in official communications with the Panel. No exemption request or notification was submitted to the Committee.

F. Further transfers of materiel into Libya

1. Guided artillery munitions

157. The photograph of the artillery projectile below was taken by the Benghazi Revolutionaries Shura Council and released on 30 October 2016 through social media. The Shura Council initially reported the projectile as a United States-made rocket. The image was subsequently analysed and reported on by IHS Jane's.[55] The projectile was identified as a Krasnopol made by the KBP Instrument Design Bureau. No exemption request or notification was submitted to the Committee.

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[53] United Nations Support Mission in Libya and Office of the United Nations High Commissioner for Human Rights, "Detained and dehumanized: report on human rights abuses against migrants in Libya", 13 December 2016. Available from http://unsmil.unmissions.org/Portals/unsmil/Documents/Migrants%20report-EN.pdf.

[54] Hayder al-Khoei, Ellie Geranmayeh and Mattia Toaldo, *After ISIS: How to Win the Peace in Iraq and Libya* (London, European Council on Foreign Relations, 2017), available from www.ecfr.eu/publications/summary/after_isis_how_to_win_the_peace_in_iraq_and_libya_7212; "Libya: Pinotti says Italian hospital is operational in Misrata", ANSA Med, 24 October 2016, available from www.ansamed.info/ansamed/it/notizie/rubriche/cronaca/2016/10/20/libia-pinotti-operativo-ospedale-italiano-a-misurata_fafbc21c-49b4-48b8-8907-d3e9960893ee.html.

[55] Jeremy Binnie and Neil Gibson, "Evidence of guided artillery usage seen in Libya", *IHS Jane's Defence Weekly*, 31 October 2016. Available from www.janes.com/article/65066/evidence-of-guided-artillery-usage-seen-in-libya.

Figure 18
Photograph of guided artillery munition recovered in Benghazi

Source: IHS Jane's, 31 October 2016.
Markings on the projectile:
1/121 (indicating lot number)
2014 (year of manufacture)
A-IX-I (indicating explosive fill)

158. In response to Panel enquiries, the Russian Federation indicated that Krasnopol guided artillery projectiles were designed by AO Shipunov KBP Instrument Design Bureau in Tula and manufactured by AO Kalashnikov Concern in Izhevsk. However, in 2014 AO Kalashnikov Concern did not manufacture Krasnopol projectiles or export them to foreign customers. The Russian Federation also indicated that the explosive fill shown was not the one used in that type of projectile and that AO Kalashnikov Concern as the manufacturer did not use markings like the lot number shown.

159. The Panel has also investigated the potential for the projectile to be a GP-1 or a GP-6, manufactured by China North Industries Corporation, which have the same external features as the Krasnopol; however, no response has been received from China. Investigations continue.

2. Deliveries of armoured personnel carriers and other vehicles

160. The Panel has confirmed new reports[56] of deliveries of armoured vehicles to LNA in Tubruq on 17 April 2016. According to the bill of lading, the delivery consisted of 93 armoured personnel carriers and 549 armoured and non-armoured vehicles. The 93 carriers likely included 75 Panther T6, produced by Minerva Special Purpose Vehicles, and 18 Tygra models, produced by Mezcal (a spin-off from the former), both based in the United Arab Emirates.

161. The armoured personnel carriers were part of the same contracts on which the Panel reported previously (S/2016/209, annexes 29 and 30) and that were brokered by the United Arab Emirates-based company Ard el Theqa General Trading[57] and designating the Ministry of the Interior of Libya as the end user. A representative of

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[56] Abdulkader Assad, "A huge number of vehicles and ammunition for Haftar's militias arrive in Tobruk", *Libya Observer*, 24 April 2016. Available from www.libyaobserver.ly/news/huge-number-vehicles-and-ammunition-haftar%E2%80%99s-militias-arrive-tobruk.

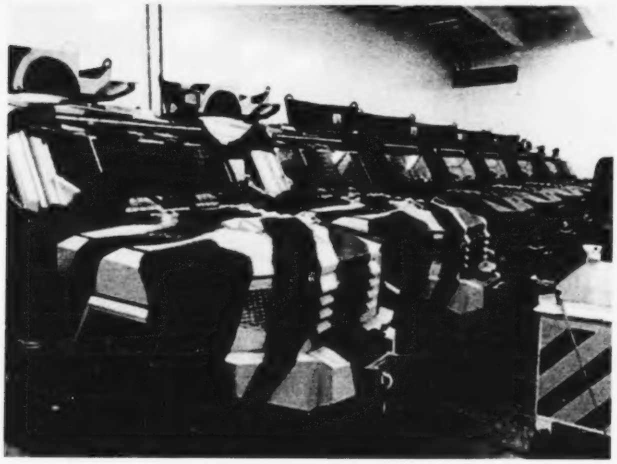
[57] The same company name has been used by another broker, Mohammed Tag, working on behalf of LNA.

Mezcal confirmed to the Panel in 2015 that it had previously shipped 10 Tygras to Tubruq.

162. The Panel's investigations indicated that the vessel *Bahri Abha* (IMO 9620944) had shipped the vehicles from the United Arab Emirates. The *Bahri Abha* is registered in Saudi Arabia and belongs to a Saudi State-owned shipping line. The Panel contacted the Saudi authorities, which confirmed the shipment and shared the bills of lading (see annex 40). The ship left Jebel Ali port (United Arab Emirates) on 24 March 2016 and docked in Tubruq on 17 April 2016.

163. Of the 549 vehicles, 195 Toyota Land Cruiser pickup trucks were loaded in Jeddah Islamic Port, Saudi Arabia. The pictures below show the delivery of the armoured personnel carriers, as well as workshops where weapons are fitted to the vehicles.

Figure 19
Photograph of Panthera T6 delivery in Tubruq



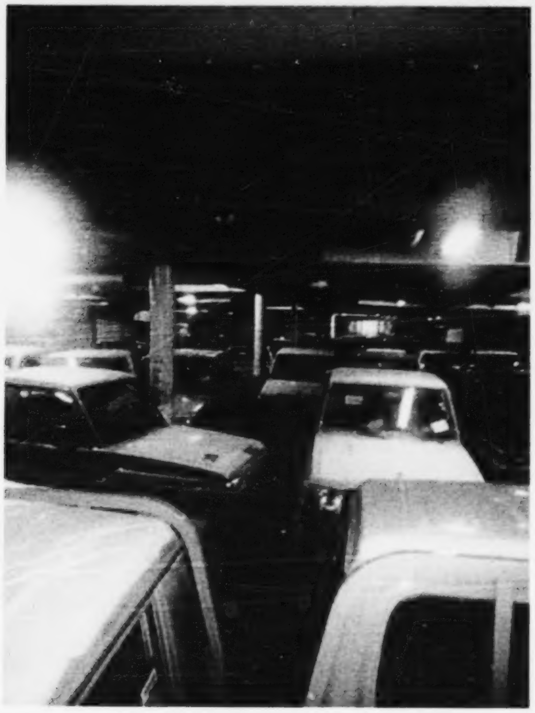
Source: www.elbalad.news/2159540?bar=1.

164. For armed groups in Libya, Toyota pickup trucks (primarily single-cabin HZJ 79) seem to be even more important than armoured vehicles, because of the ease in mounting various infantry support weapons, notably 12.7-mm and 14.5-mm machine guns and 106-mm recoilless rifles. The Panel's assessment is that when such vehicles have armed and security units as end users, they should be viewed as military materiel (see recommendation 2).

165. Furthermore, the Panel has received Member State reports indicating that Libyan armed groups also use pickup trucks as barter items in exchange for weapons and ammunition and as payment to mercenaries.

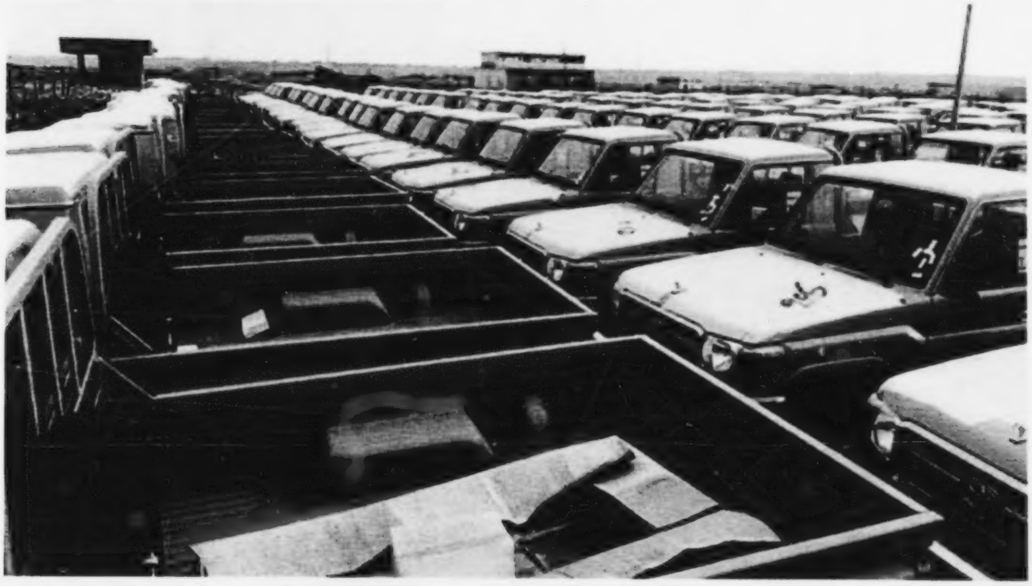
166. During the reporting period, the Panel received information on large deliveries of Toyota pickup trucks and armoured 4x4 cars to Tubruq on 16 January and 4 April 2017 (see annex 41).

Figure 20
Photograph of Toyotas delivered to Tubruq on 16 January 2017



Source: Social media.

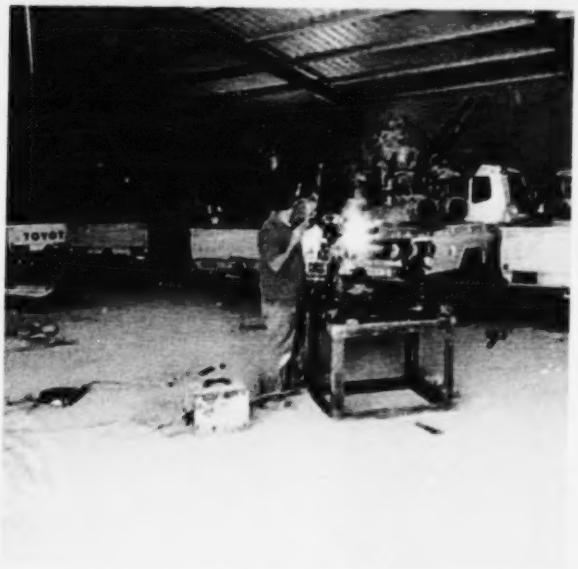
Figure 21
Photograph of Toyotas delivered to Tubruq on 17 April 2016



Source: Social media.

Figure 22

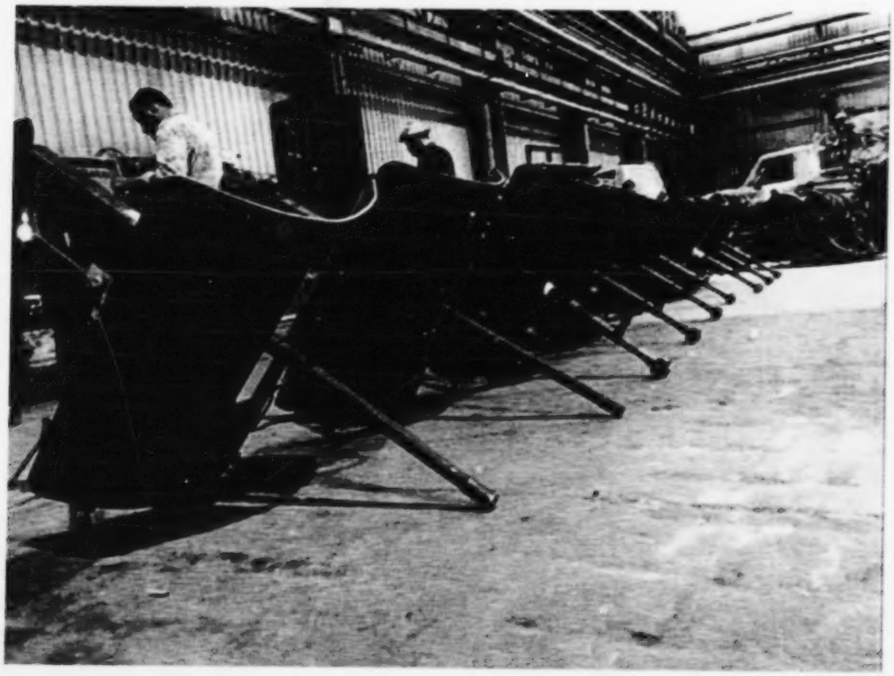
Photograph of workshop in Tubruq fitting weaponry to civilian vehicles; similar workshops exist elsewhere in the country, including in Misratah



Source: LNA operations Facebook page (www.facebook.com/armylibya1/photos).

Figure 23

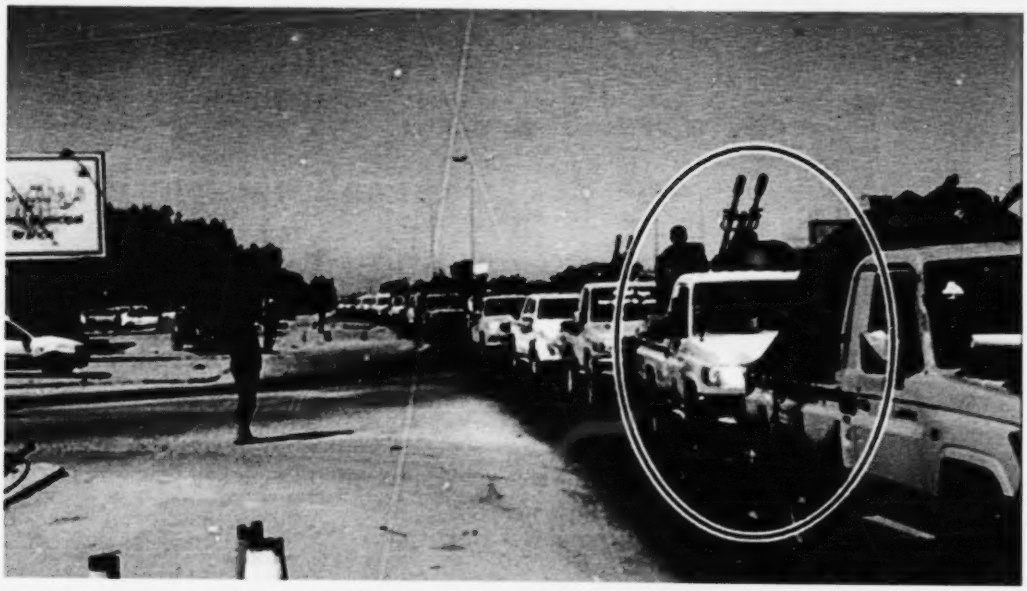
Photograph of LNA workshop in which 12.7-mm and 14.5-mm machine guns with shields are being mounted



Source: https://libertedecrire.wordpress.com/2017/03/07/daily-reports-of-the-oil-crescent-war-in-libya/#jp-carousel-3856.

Figure 24

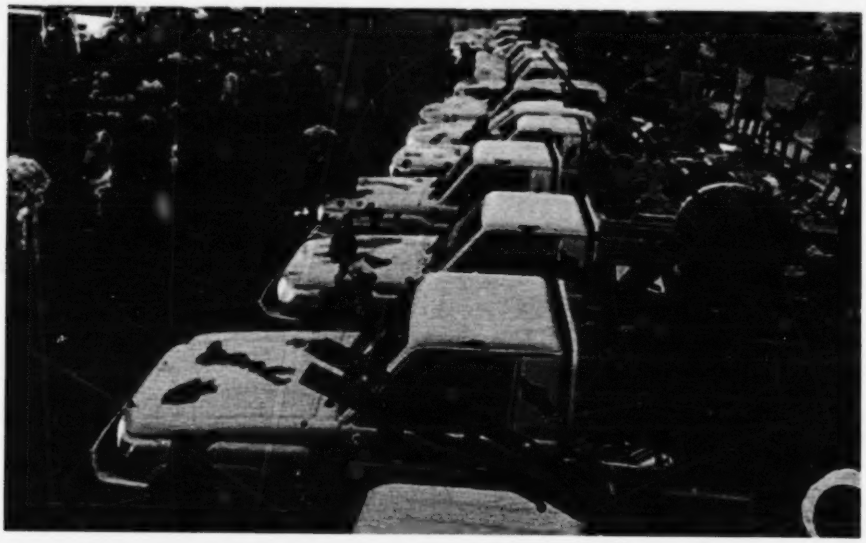
Photograph of a Toyota — still with the white protection film on the hood and fitted with a 14.5-mm anti-air machine gun — that belongs to an LNA allied brigade on its way to the oil crescent on 7 March 2017



Source: Ibid.

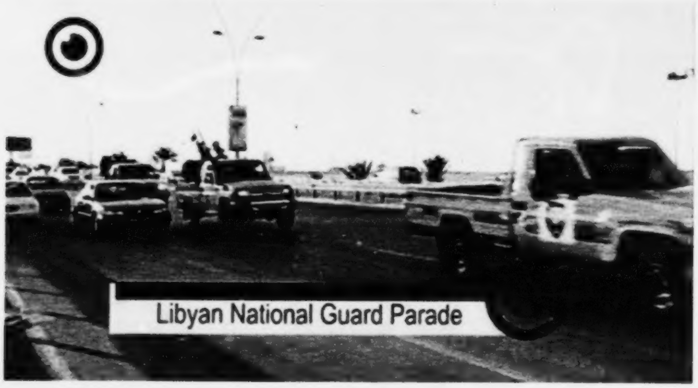
Figure 25

Photograph of a gathering of the Abu Salim Brigade displaying brand new pickup trucks in March 2017



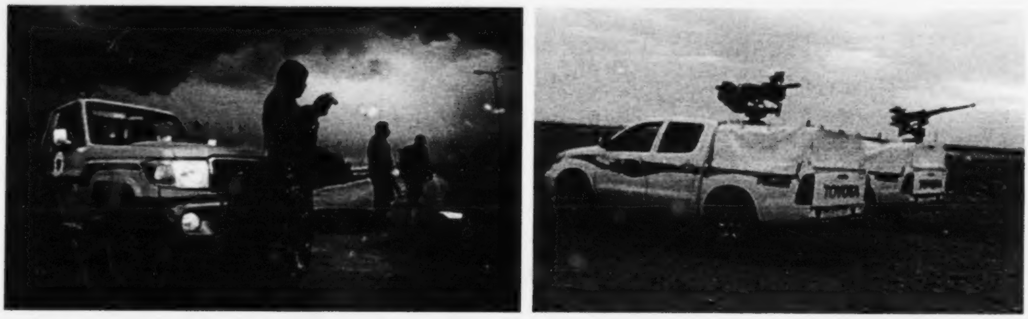
Source: "Deterrent force refuses military ruling", *Libya Prospect*, 17 March 2017. Available from http://libyaprospect.com/index.php/2017/03/17/deterrent-force-refuses-military-ruling/.

Figure 26
Photograph of the self-proclaimed Libyan National Guard parading new vehicles in Tripoli



Source: "Libyan national guard parade in Tripoli", *Libya Observer*, 9 February 2017. Available from www.libyaobserver.ly/videos/libyan-national-guard-parade-tripoli.

Figure 27
Photograph of the Benghazi Defence Brigades with new pickup trucks in the oil crescent region



Source: "Benghazi defence brigades quit Jufra as PC defence minister orders action against LNA", *Libya Herald*, 9 April 2017, available from www.libyaherald.com/2017/04/09/benghazi-defence-brigade-quit-jufra-as-pc-defence-minister-orders-action-against-lna/; "Defense brigades announces controlling Al-Magroun", *Libya Prospect*, 15 July 2017, available from http://libyaprospect.com/index.php/2016/07/15/defense-brigades-announces-controlling-al-magroun/.

167. Additional information on a potential shipment of pickup trucks to a western armed group is being separately submitted to the Committee.

3. Interception equipment

168. The Panel received confirmation of reports that deliveries of interception and jamming equipment had been made to Tripoli since the adoption of resolution 2174 (2014) in August 2014. The Panel obtained a letter of complaint from the Libyan Post, Telecommunication and Information Technology Company to one of the suppliers of the materiel (see annex 42). The Panel also interviewed a Libyan buyer who travelled to Marbella, Spain, on multiple occasions to procure such equipment.

169. This equipment was deployed in several areas of Tripoli, under the control of different armed groups, including the National Mobile Force, the Special Deterrence Force, the National Guard and the Abu Salim Brigade. These groups have been

involved in serious human rights violations and criminal activities. The capability to listen into mobile phone conversations and read private messages increases their operational effectiveness and provides a significant tactical advantage over rival armed groups. More importantly, in a city where bank robberies, abductions and killings frequently occur, the ease of access to materiel capable of tracking the movements of civilians is a significant threat to peace and security. The Panel has received information that such equipment has been used for blackmailing and to plan kidnappings (see recommendation 4).

4. Private security companies

170. The Panel is currently looking into reports on the presence of private security companies in Libya, notably the precise details of the contracting of the Russian company RSB Group for the demining of the facilities of the Libyan Cement Company in Benghazi (see annex 43).

G. Transfers of materiel from Libya

1. Tunisia

171. On 7 March 2016, ISIL elements launched a major attack on police and national guard stations, as well as a military camp, in the southern Tunisian town of Ben Gardane, located 20 km from the Libyan border. The Tunisian security forces seized a considerable number of weapons and, as a result of the ensuing investigations, located over six arms caches in the wider region of Ben Gardane near the Libyan border. The Security Council condemned "in the strongest terms the 7 March terrorist attack …, which resulted in the deaths of 12 members of Tunisia's security forces and 7 civilians, as well as over 17 injured".[58] In April 2017, the Tunisian authorities closed the investigations and indicted 77 people.

172. The Tunisian Armed Forces have granted the Panel access to materiel seized by the security forces in March and April 2016 in the wider Ben Gardane area, following the attack (see annex 44).

Torun shotguns

173. With the support of the Tunisian authorities, the Panel identified a series of over-under shotguns produced by Torun Silah Sanayi and seized in March 2016 from an arms cache discovered after the attack in Ben Gardane and smuggled into the country from Libya.

174. Following the Panel's enquiry with Turkish authorities, Torun Silah Sanayi claims to have sold the shotguns to the "Yassine Middle East Company", a shotgun reseller in Beirut. According to the Turkish authorities, the customs declaration states that these shotguns were loaded onto the vessel *Haddad I*, which was intercepted by the Hellenic coastguard in September 2015. The materiel on board the *Haddad I* was seized by Greece (see also S/2016/209, para. 153).

175. However, the serial numbers documented by the Panel in Tunisia do not seem to match the packing lists provided by Torun Silah Sanayi through the Turkish authorities. The Panel also found inconsistencies between the preliminary investigations of the Greek police and the documentation previously provided by the Turkish authorities (see S/2016/209, annex 34). It seems unlikely that the shotguns were transferred to Libya after they had been seized by Greece on board the *Haddad I*.

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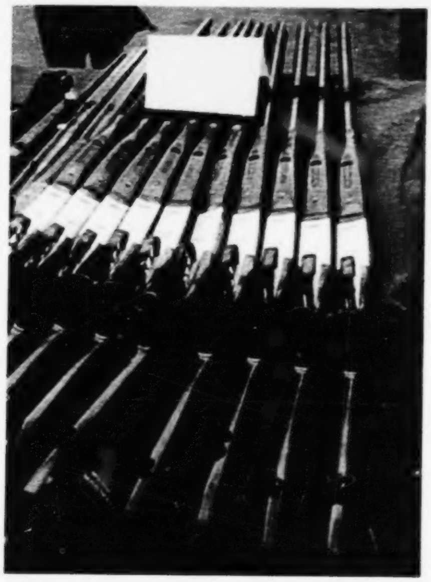
[58] Security Council press statement on terrorist attack in Tunisia (SC/12273-AFR/3340), 8 March 2016. Available from www.un.org/press/en/2016/sc12273.doc.htm.

The Panel has requested clarifications from both the Turkish and the Greek authorities.

Figure 28

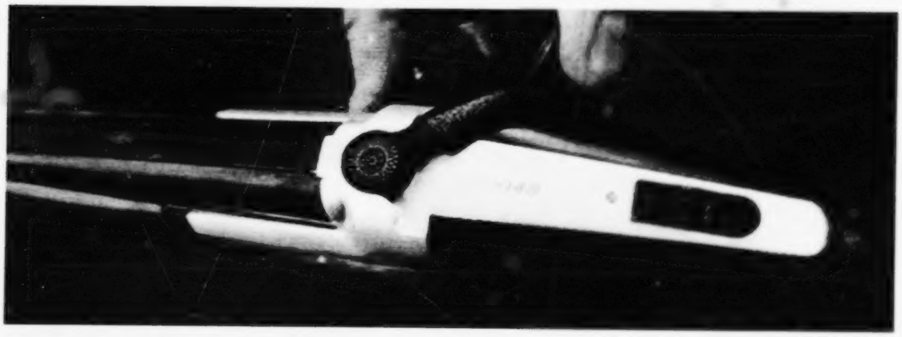
Photograph of Tunisian seizure of Torun "new 2015" over-under shotguns



Source: Panel of Experts, January 2015.

Figure 29

Photograph of Tunisian seizure of Torun "new 2015" over-under shotguns



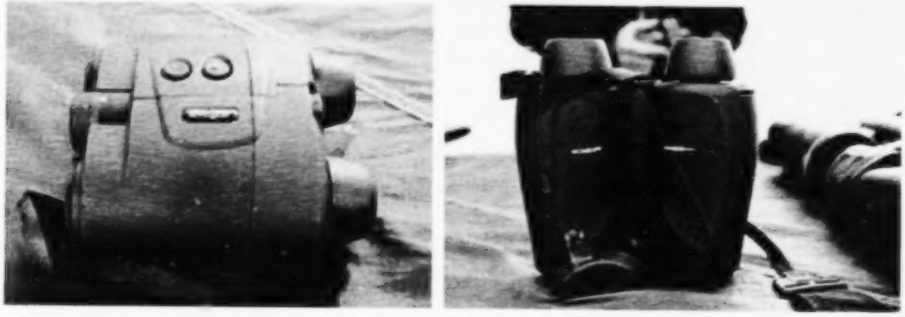
Source: Panel of Experts, January 2017.

176. Another item of interest recovered was a Night Owl model NONB2FF night vision device, serial No. 50003063, which is marked as having been manufactured in Belarus.

177. Research by the Panel indicates that Night Owl Optics operates from a company address in Texas, United States. The United States has not responded to the Panel's request for information.

178. Further examples of items recovered are shown in annex 44.

Figure 30
Photograph of Night Owl Optics night vision equipment



Source: Panel of Experts, January 2017.

2. Egypt

179. Egyptian authorities provided a list of weapons, sorted by type and quantity, that were seized in the course of being smuggled from Libya to Egypt between 1 January and 11 November 2016. The most significant number of weapons recovered was 1,395 shotguns. No further details were provided, and the Panel continues to engage with the Egyptian authorities in order to gain further details so as to establish the original supplier of these weapons. The full list is shown in annex 45.

3. Niger

180. Officials of the Niger reported a reduction in the scale of weapons trafficking from Libya in 2017; however, they raised issues such as migrants being used as "mules" to transport weapons and the Tebu community providing links between ISIL in Libya and Boko Haram. Details of transfers to the Niger are shown in annex 46.

4. Mali

181. From within the Tuareg community, the Panel received repeated reports regarding arms transfers from Ansar el Haqq, headed by Mohammed Ingtallah and based in Awbari, to Ansar Eddine (QDe.135) in Mali. The deliveries are allegedly composed of light weapons, such as Zastava M80 assault rifles, anti-tank weapons and explosives. The operations are supposedly coordinated by Ingtallah's son.

5. Algeria

182. The Panel reviewed reports of seizures by Algerian authorities but could not physically inspect the materiel (see annex 47).

VII. Prevention of illicit crude oil exports under resolution 2146 (2014)

183. On 27 April 2016,[59] the vessel *Distya Ameya* (IMO 9077343) became the first vessel to be added to the sanctions list, for violating the measures relating to attempts to illicitly export crude oil from Libya, pursuant to paragraph 10 of resolution 2146 (2014). Following its designation, the tanker returned to Libya to

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[59] The western National Oil Corporation informed the Presidency Council about this case on 21 April 2016. See National Oil Corporation, "NOC acts to block illicit export of oil from Libya by parallel administration", statement, 22 April 2016. Available from http://noc.ly/index.php/en/new-4/1452-noc-acts-to-block-illicit-export-of-oil-from-libya-by-parallel-administration.

offload its cargo in Zawiyah, completing the operation on 6 May 2016. Upon a request by the flag State, India, and an indication of no objection by Libya, the Committee delisted the vessel on 16 May 2016 (see annex 48).

184. It is noteworthy that, at the time of the export attempt, the Presidency Council had not yet appointed its focal point pursuant to resolution 2146 (2014). Instead, the case was presented to the Committee by the Permanent Representative of Libya to the United Nations.

185. On 4 November 2016, the Committee, through the Permanent Mission of Libya, received a communication from Abdallah Ateiga, who presented himself as the focal point appointed by the Presidency Council, without providing contact details, and warned about a possible attempt to illegally sell crude oil. The Committee requested his contact details; however, the Permanent Mission of Libya informed the Panel that no relevant information had been received from Tripoli (see annex 49).

186. The shipment that Ateiga had warned about was acknowledged by the eastern National Oil Corporation. It explained to the Panel that it had given the order to the Arabian Gulf Oil Company, a subsidiary of the National Oil Corporation, to prepare the amount of 2 million barrels to be shipped to Egypt on 11 November 2016. The Panel had access to some documents regarding the vessel that was to load the shipment, but its name and IMO number had been redacted in the documents (see annex 49).

187. Sources from within the eastern National Oil Corporation stated that the shipment had been "proposed by Egypt" in accordance with a memorandum of understanding signed on 29 December 2015, one day before the endorsement of the Libyan Political Agreement. Egypt denied that such a shipment had been agreed upon, but acknowledged the existence of this memorandum. However, it had not taken any action to implement it or any other contract.

188. The name of a vessel was not disclosed by Ateiga to the Committee, and to the Panel's knowledge the shipment was never carried out.

189. Another attempt by the eastern National Oil Corporation to export crude oil is related to a contract that it signed with the company Europa Shipping SA. It states that a shipment of crude oil from Marsa al-Hariqah was due to be carried out between 25 and 30 November 2016 (see annex 50). The amount of crude oil to be exported, as mentioned in the agreement, was 3 million barrels of the Sarir/Mesla blend. The export has not taken place to date.

190. The western National Oil Corporation is aware of these attempts and sent a public warning to the companies that are trying to gain access to the Libyan oil trade.[60] The eastern authorities issued a counterstatement on 27 March 2017 (see annex 51).

VIII. Unity of State institutions and misappropriation of State funds

191. The Panel finds that the key financial institutions of Libya remain more divided than ever. With the possible exception of the National Oil Corporation, control over their infrastructure, assets and personnel has further fragmented. This has reduced the possibility for oversight and increased the risk of misappropriation.

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[60] National Oil Corporation, "National Oil Corporation warns oil market against illegal contracts", statement, 26 March 2017. Available from http://noc.ly/index.php/en/new-4/2148-national-oil-corporation-warns-oil-market-against-illegal-contracts.

192. The Presidency Council has been divided over the organization of and appointments in key institutions. For example, Fathi al-Mejbari has tried to replace Mustafa Sanallah at the helm of the National Oil Corporation, and Ahmed Maetig has repeatedly advocated removing Faisel Gergab from the Libyan Post, Telecommunication and Information Technology Company. In addition, in those cases where the Presidency Council did reach a decision, the decision has been further contested externally and the Council mandate questioned.

193. As a consequence, the loyalty of some staff is still divided between the competing authorities, which have each tried to make their own appointments. Rival managements and their political backers continue to attempt to strengthen their position through various strategies, including legal action and support from armed groups, often with a destabilizing impact (see recommendation 14).

194. Sources consulted by the Panel are in agreement that the interference of armed groups in Tripoli has increased. Rival managements of institutions sometimes actively seek the services of armed groups to strengthen their claims. Sometimes, armed groups make themselves indispensable. In some cases, armed group affiliates are included in the staff or management of institutions.

195. Important concerns over the budgetary implications of the persistent division have been voiced by the Audit Bureau of Libya. The Bureau pointed out to the Panel that State expenditure was still too high, especially in terms of the exaggerated number of employees on government payroll. In addition, the Al-Ghweil and Al-Thinni Governments continue to enter into contracts in the name of the Libyan State. The Presidency Council itself is also responsible for misspending, as shown by its transfer of $42 million to Ibrahim Jadhran in mid-2016. Other concerns raised included the weakened position of Libyan institutions in numerous multimillion-dollar court cases, often initiated with the assistance of Libyan nationals seeking to make a profit out of them. Finally, frequent attempts are made to sell assets of Libyan institutions and companies to obtain liquidity. Without unity and stability, these issues cannot be addressed.

196. The Panel received many allegations of misappropriation of State funds from dozens of interviewees, many of whom were insiders. Given the complexity of these cases, the limited access to Libya and the resources available to the Panel, it cannot possibly investigate all of these allegations conclusively and in detail.

A. National Oil Corporation

1. The institution

197. Attempts to unify the National Oil Corporation under the Presidency Council's "patronage" made some progress, although tangible results remained scant after an initial agreement was signed in Vienna on 16 May 2016. Eventually, the eastern National Oil Corporation withdrew from the agreement on 13 March 2017.

198. The political agreement between the two rival institutions signed in Vienna[61] (see annex 52) and the subsequent technical agreement signed in Istanbul[62] represented a significant achievement for a divided Libya. However, the agreement received insufficient support. First, there was a lack of clear commitment on the part of the House of Representatives (see para. 202). Second, internal disputes within the

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[61] Libby George and Ahmad Ghaddar. "Libya to resume oil shipments from Hariga after talks", Reuters, 16 May 2016. Available from www.reuters.com/article/libya-oil-exports-idUSL5N18D46D.

[62] Patrick Markey, "In sign of progress, Libya's rival NOC companies agree to merge", Reuters, 3 July 2016. Available from www.reuters.com/article/us-libya-security-energy-idUSKCN0ZJ0H7.

Presidency Council hindered the allocation of financial resources required by the National Oil Corporation[63] to meet the running costs of oil production. Disagreement between the National Oil Corporation and the Council featured throughout the entire reporting period.[64]

199. Sources within the rival boards of directors confirmed to the Panel that contacts between the two competing Chairs, Mustafa Sanallah and Naji al-Maghrebi, had commenced before the Presidency Council was established in Tripoli. There were several setbacks during the negotiations, most notably when the tanker *Distya Ameya* entered the port of Marsa al-Hariqah to load crude oil under a contract signed with the eastern National Oil Corporation. The loaded tanker left on 26 April 2016, only 20 days before the signing of the Vienna agreement and after negotiations between the Chairs had already been held in Malta, Tunisia and Turkey. Until May 2016, the eastern National Oil Corporation would continue attempts to strike similar deals,[65] while the western National Oil Corporation tried to prevent oil companies from negotiating with its eastern counterpart (see annex 53).

200. As a reaction to the listing of the *Distya Ameya*, eastern authorities retaliated by preventing the tanker *Seachance* from loading crude oil in Marsa al-Hariqah on 3 May 2016 under a contract signed by the western National Oil Corporation.[66]

201. According to the eastern National Oil Corporation, the *Distya Ameya* incident had not been intended to derail the negotiations; it was an ongoing development that had been initiated months before. It might also indicate a lack of communication within the eastern National Oil Corporation or unilateral action by members of the eastern board of directors (see para. 250).

202. When the Vienna agreement was presented to the Energy Committee of the House of Representatives by the eastern National Oil Corporation, it was poorly received. The Committee showed concern on two issues: the sharing of revenues and the fact that Al-Maghrebi would be the only representative of the eastern National Oil Corporation on the unified board of directors. The House continued to make several negative statements on the agreement (see annex 54). Both Sanallah and Al-Maghrebi were under great pressure from different stakeholders throughout the process.

203. The frustration of the eastern National Oil Corporation over the reluctance of its western counterpart to move the headquarters to Benghazi, and the lack of progress regarding the implementation of other aspects of the Vienna agreement, led to a "suspension" of the unification in late 2016. On 13 March 2017, the eastern National Oil Corporation issued a statement announcing its withdrawal from the agreement (see annex 55). Moreover, on 27 March 2017, the Deputy Prime Minister of the Al-Thinni Government issued a statement to oil industry stakeholders, claiming that the National Oil Corporation based in Benghazi was the only institution in Libya entitled to strike oil deals (see annex 51). The previous day, the

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[63] Ahmad Ghaddar and Libby George, "Libya needs big spend to boost vital oil revenue-NOC boss", Reuters, 13 August 2016. Available from http://af.reuters.com/article/investingNews/idAFKCN10O0AR.

[64] "NOC given no money to pay salaries, let alone invest: Mustafa Sanalla", *Libya Herald*, 22 March 2017. Available from www.libyaherald.com/2017/03/22/noc-given-no-money-to-pay-salaries-let-alone-invest-mustafa-sanalla.

[65] Laura Hurst and Hatem Mohareb, "National Oil in west Libya warns about illicit sales from east", Bloomberg, 7 February 2016. Available from www.bloomberg.com/news/articles/2016-02-07/national-oil-in-west-libya-warns-about-illicit-sales-from-east.

[66] "Eastern NOC blocks Tobruk tanker loading", *Libya Herald*, 3 May 2016. Available from www.libyaherald.com/2016/05/03/eastern-noc-blocks-tobruk-tanker-loading/.

western National Oil Corporation had sent the opposite message to companies willing to deal with its eastern counterpart.[67]

204. In October 2016, the eastern National Oil Corporation had already restarted parallel activities, and the Committee was warned of a new attempt to ship oil (see paras. 185 ff).

205. Although both boards of directors still exist, the western National Oil Corporation seems to play the leading role, both institutionally and technically. Despite the signature of the Vienna agreement and a short rapprochement between both institutions, a good opportunity to set an example for other relevant duplicated Libyan institutions was lost. In addition, the fact that both institutions continue to operate increases the likelihood of illicit deals.

2. Installations

206. After LNA took control of the terminals and oil wells in the central region in September 2016 (see para. 80), control over the facilities was "given" to the (by then) unified National Oil Corporation, which restarted the export of crude oil. After the offensive of the Benghazi Defence Brigades in early March 2017, the control of the terminals remained with the unified National Oil Corporation.[68] After LNA regained control over the terminals on 14 March 2017, the Sidrah oil port resumed activity under the western National Oil Corporation.[69]

207. It is remarkable that, on all three occasions, warring camps transferred the control of the oil installations to the National Oil Corporation led by Sanallah, including after the cancellation of the Vienna agreement by the eastern National Oil Corporation.

208. Oil production was irregular during the reporting period but has increased in the past months, mainly because the Rayayinah valve was reopened on 20 December 2016, after long negotiations, allowing the oil fields of Shararah and Fil to resume production and to send crude oil to the refinery in Zawiyah and to the Mellitah complex, respectively.[70] However, this situation is not stable, and further interruptions are to be expected.[71]

B. Central Bank of Libya

209. The division of the Central Bank of Libya has continued since the issuance of the Panel's previous final report (see S/2016/209, paras. 217-226). Two individuals continue to claim the position of Central Bank Governor. The Bank's duties are exercised mainly from Tripoli, where Sadiq al-Kebir heads the organization. In

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[67] National Oil Corporation, "National Oil Corporation warns oil market against illegal contracts", statement, 26 March 2017. Available from http://noc.ly/index.php/en/new-4/2148-national-oil-corporation-warns-oil-market-against-illegal-contracts.

[68] Fadi Fornaji, "NOC lifts force majeure at eastern oil terminals", *Libya Herald*, 15 September 2016. Available from www.libyaherald.com/2016/09/15/noc-lifts-force-majeure-at-eastern-oil-terminals.

[69] Abdulkader Assad, "Essidra oil port resumes exports after end of clashes", *Libya Observer*, 26 March 2017. Available from www.libyaobserver.ly/inbrief/essidra-oil-port-resumes-exports-after-end-clashes.

[70] National Oil Corporation, "NOC confirms re-opening of Sharara and El Feel fields", statement, 20 December 2016. Available from http://noc.ly/index.php/en/new-4/1919-noc-confirms-re-opening-of-shahara-and-el-feel-fields.

[71] Moutaz Ali, "Oil output plunges a third with closure of El-Fil and Sharara pipeline", *Libya Herald*, 28 March 2017. Available from www.libyaherald.com/2017/03/28/oil-input-plunges-a-third-with-closure-of-El-Fil-and-Sharara-pipeline.

Bayda'. Ali al-Hibri heads the Bank's eastern branch while also maintaining a claim to the governorship.

210. Al-Kebir, who manages the Bank's accounts and the majority of its staff, de facto controls the financing of the Presidency Council. His support to the Council has been slow and limited, leading to a series of public accusations by Al-Serraj, including a claim that Al-Kebir was a spoiler.[72] Al-Kebir and Central Bank Board member Tarik Yousef al-Magariaf told the Panel that, in their view, the Council itself was responsible for the delays in financing. They stated that they could accept payment orders only from the Ministry of Finance and not directly from Council members. They added that the emergency budget prepared by the Council was of poor quality and lacked the necessary detail.

211. The Presidency Council and the western Central Bank of Libya have argued over other issues as well, most notably on the devaluation of the Libyan dinar.[73] Whereas the Council has insisted on devaluation, making it a central issue during talks in Rome and London, the western Central Bank has refused. Al-Magariaf explained to the Panel that the Central Bank was, in principle, in favour but that the Council needed to have a number of reinforcing policies in place first.

212. Al-Hibri is considered the Governor of the Central Bank by the Al-Thinni Government and the House of Representatives. Although he has control over neither the Central Bank's seat in Tripoli nor its income from oil exports, he has a significant impact on public finances, highlighting the division of the institution.

213. First, following persistent complaints of insufficient cash deliveries from Tripoli (see S/2016/209, para. 219), the eastern Central Bank had its own money printed. The notes were printed by a separate company, different from the usual Central Bank provider. Although a clear effort was made to produce nearly identical notes, important differences remain (see annex 56). Because it was facing its own cash shortage in the capital, the Presidency Council approved its circulation and, thereby, the eastern Central Bank's initiative.[74] However, the western Central Bank has blocked its distribution in the capital.

214. Second, eastern administrators claimed to the Panel that a significant percentage of salaries in the east had not been paid by the western Central Bank. They stated that, by the end of 2016, Al-Hibri had disbursed over 3 billion dinars from commercial loans to resolve the problem. These loans increase the State debt and will need to be repaid by a future unified Government.

215. Attempts to unify the two competing branches made some progress throughout 2016 but ultimately failed. Al-Kebir and Al-Hibri met twice in Tunisia midyear, but a third meeting in Libya was cancelled. A solution in the short term is unlikely. On the one hand, the eastern Central Bank insists on a number of considerable concessions: an agreement on the distribution of cash (both prints); an increase in Central Bank approval of letters of credit for the east, which it reports to be currently limited to 17 per cent of the nationwide total; the restoration of eastern access to the Central Bank's information technology system; and full Central Bank coverage of certain eastern expenses. On the other hand, reunification and

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[72] Sami Zaptia, "Serraj blames Hafter, Saleh, Elkaber and Ghariani for Libya's problems, *Libya Herald*, 2 November 2016. Available from www.libyaherald.com/2016/11/02/serraj-blames-hafter-salah-elkaber-and-ghariani-for-libyas-problems.

[73] The black market value of the dinar was well below 3 dinars to the United States dollar in early April 2016, right after the arrival of the Presidency Council in Tripoli. However, it had almost doubled to more than 5 dinars by late July 2016 and further increased to 7 dinars in March 2017.

[74] Ajnadin Mustfa and Moutaz Ali, "PC decides it will now accept the east's new 'Russian' banknotes", *Libya Herald*, 26 May 2016. Available from www.libyaherald.com/2016/05/26/pc-decides-it-will-now-accept-the-easts-new-russian-banknotes/.

compromise do not appear to be a priority at the western Central Bank, which is clearly in a stronger position.

C. Libyan Investment Authority

216. Authority over the Libyan Investment Authority has remained contested since the arrival of the Presidency Council in Tripoli, and the contestation has involved the use of force on several occasions.

217. Initially, the Presidency Council maintained lines of communication with the two rival Chief Executive Officers: Hassan Bouhadi, operating from the Authority's office in Malta, and Abdulmagid Breish, in Tripoli.

218. In a first incident, the Al-Thinni Government forced Bouhadi to approve the appointment of a new Chief Executive Officer, Ali Shamekh. On 25 July 2016, Bouhadi was arrested by the Benghazi Criminal Investigation Department, intimidated and prevented from travelling until he organized a board meeting that voted in Shamekh (see annex 57). Reportedly, the Al-Thinni Government dispatched the "envoy" and armed group leader Abd al-Majid Mlektah to add pressure. It appears that the sidelining of Bouhadi was related to his outreach to the Presidency Council. Eastern resistance against a possible integration of the Authority under the Council was publicly spearheaded by boycotting Council member and House of Representative member Al-Qatrani (see annex 58).

219. Following these events, the Presidency Council appointed a new "Interim Steering Committee" that would serve as both Chief Executive Officer and board of directors until it managed to transfer the governance structure of the Authority to Tripoli through the correct formal procedure. The Steering Committee was headed by Ali Mahmoud, a former member of the Authority's board of directors.

220. The appointment of the Steering Committee led to subsequent incidents: Mahmoud was refused access to the Authority's offices in Tripoli, where Breish was not ready to step down. In a letter to the Panel, Breish asserted that the decision of the Presidency Council to appoint the Steering Committee was invalid because it was not compliant with Libyan law. He took his case to the Tripoli Administrative Court.

221. The Steering Committee forced Breish out of the Authority's offices with assistance from personnel whom it identified as belonging to the "Office for the Security and Safety of the Tripoli Tower" and who are generally armed. The wider area around the Tripoli Tower was at that time under the control of Kara's Special Deterrence Force.

222. On 5 February 2017, Breish regained control over the Authority's offices after a ruling by the Tripoli Administrative Court rejecting the appointment by the Presidency Council of the Steering Committee. He was assisted in his return by a small group of men who also appeared to respond to Kara. The Steering Committee and the Council declared that the men were armed, a report that was denied by Breish. In any case, it is clear to the Panel that the security personnel in control of the Tripoli Tower has the final say as to who occupies the Authority's head office, a situation that is not tenable.

223. Following the Tripoli Administrative Court ruling, the Presidency Council replaced the "Interim Steering Committee" with an "Interim Management Committee", in an exact replication of the previous decree. The Council reached out to all high-ranking civil servants and, referring to Breish, stated that "all dealings with persons or bodies that do not have lawful and legitimate capacity are prohibited, in accordance with the relevant decisions of the Presidency Council" (see annex 62).

224. Meanwhile, the Management Committee moved out of the Tripoli Tower into an area under the protection of an armed group commanded by Abd al-Gadir Rweyati.

225. The continuing division of the Libyan Investment Authority led to increasing uncertainty among its staff facing pressure from all sides. This resulted in a strike at the Tripoli offices on 8 February.[75] The division of the Authority is one of the main inhibiting factors to tackling persistent reports of (attempted) cases of misappropriation.

226. Meanwhile, all of the Authority's direct assets held outside Libya prior to 16 September 2011 remain frozen under relevant Security Council resolutions. Both Bouhadi and Breish confirmed to the Panel that the frozen status of the assets caused banks and fund managers to ignore the Authority's directives, an attitude that appears to be further reinforced by the uncertainty as to who legitimately represents the sovereign wealth fund.

227. The Panel has previously reported on the rigidity of the current sanctions regime and how the Authority's assets lose value after investments have matured because they cannot be reinvested (see S/2016/209, paras. 252 ff). This situation remains unchanged, to the frustration of the Authority's managers. However, it will be difficult to modify the sanctions regime and resolve such management issues while the fund remains divided. The freezing of the assets was not contested by any of the parties involved.

D. Libyan Post, Telecommunication and Information Technology Company

228. The Libyan Post, Telecommunication and Information Technology Company is another key strategic Libyan institution at risk of duplication and misappropriation of funds. It represents a total value of over $20 billion, $7 billion of which constitute cash assets in banks in Tripoli. In 2015 and 2016, the entity's revenue represented over 10 per cent of the Libyan budget. It is also a major employer paying over 17,000 salaries.

229. The control over the Company lies mainly with its 2013 management, which has operated from Bayda' and Malta since August 2014. That management, headed by the Chair, Faisel Gergab, is also recognized by the Presidency Council (see annex 59) and can travel relatively freely throughout the country, including Tripoli. Nevertheless, its authority has been challenged in both the east and the west, and not all subsidiaries respond to it. Furthermore, it has no access to the head office in Tripoli.

230. The strongest challenge to the authority of the 2013 management originates from individuals affiliated with the National Salvation Government. In October 2014, the National Salvation Government appointed a temporary "Steering Committee" led by Majdi al-Shibani in an attempt to replace the Companys' traditional governance structure. Both Al-Shibani and his replacement, Adel Markows, respond to the former Minister of Telecommunication of the National Salvation Government, Sami al-Fantazi, who is a commander of an armed group, the National Mobile Force (see para. 169). Al-Fantazi remains in charge of the Ministry of Telecommunication, and his forces control the Company's head office on Zawiyah Street.

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[75] Sami Zaptia, "Mass staff walkout at LIA's Tripoli Tower HQ in protest at continued disputed chairmanship", *Libya Herald*, 9 February 2017. Available from www.libyaherald.com/2017/02/09/mass-staff-walkout-at-lias-tripoli-tower-hq-in-protest-at-continued-disputed-chairmanship.

231. The Panel has received information that Al-Fantazi and the "Steering Committee" have been funnelling Company assets to the National Salvation Government since 2014. The Panel is investigating documentation and the allegation that they provided direct financial assistance to the National Salvation Government on at least two separate occasions (see annex 60).

232. The Al-Thinni Government has also attempted to strengthen its control over the corporate governance structure of the Company, similar to its actions regarding the Libyan Investment Authority. It appears, however, that these attempts were unsuccessful.

E. Libya Africa Investment Portfolio

233. The Libya Africa Investment Portfolio is a subsidiary of the Libyan Investment Authority and separately listed on the sanctions list. It is an investment fund valued at over $3 billion. Because of its institutional link with the Authority, it has been affected by the same divisions, albeit to a lesser extent.

234. During Operation Fajr, in 2014, the Managing Director of the incumbent management, Ahmed Kashadah, moved to the fund's office in Malta. The National Salvation Government appointed an alternative management, leading to parallel institutions. Although control over the Investment Portfolio appears to be mostly concentrated with Kashadah, it has repeatedly been challenged, and at times some subsidiaries appear to have taken instructions from the rival management. Furthermore, Kashadah is also refused access to the head office in Tripoli Tower by the Special Deterrence Force, under the command of Kara.

235. In contrast to the Steering Committee of the Libyan Investment Authority, Kashadah has won a court case against his rivals in Tripoli. However, this has so far not helped him to gain access to the Tripoli Tower.

236. The situation of the Investment Portfolio is indicative of armed group actions and interests. There have been several episodes of reported interference by armed groups. Similar to the Libyan Post, Telecommunication and Information Technology Company, the Portfolio and its subsidiaries have access to significant cash and resources within Libya. This has allowed them, for example, to "facilitate" the travel and working expenses of the Presidency Council. However, this also makes them an obvious target for armed groups and politicians looking for funding themselves. An overview of incidents, including supporting documentation, is provided in annex 61.

F. Libyan Foreign Investment Company

237. The Libyan Foreign Investment Company, operating under the acronym LAFICO, is the largest subsidiary of the Libyan Investment Authority in terms of number of entities. However, it does not have many assets within Libya itself and has only limited liquid assets in general. This makes it a less obvious candidate for attempts of misappropriation. Indeed, the Investment Company continues to operate from Tripoli Tower in relatively stable circumstances. The position of the Chief Executive Officer, Khaled Algonsel, is uncontested.

238. While the acronym LAFICO is not currently listed on the sanctions list, the company's full name is included as an alias of the Libyan Investment Authority (LYe.001), together with the acronym LFIC.[76] Its listing as an alias is incorrect. As

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[76] The company appears not to be operating under that acronym but continues to use LAFICO.

previously reported (see S/2013/99, para. 225), it is actually a subsidiary of, and predecessor to, the Authority. The potential confusion arising from this has not affected its operations. Apart from a few of its subsidiaries in the United Kingdom (Baroque Investments Limited and Ashton Global Investments Limited), whose assets were frozen under a separate European Union listing, the Investment Company has full access to its assets. However, several Member States have sought clarification from the Committee on its subsidiaries (see recommendation 7).

IX. Financing of armed groups

239. A variety of sources of funding are available to armed groups, most of which have been highlighted in previous Panel reports. During the reporting period, the Panel specifically investigated four important sources of funding: fuel smuggling, trafficking in persons, interference with institutions and the local arms trade. Previous findings on income from other criminal activities and State financing remain relevant.

A. Fuel smuggling

1. By sea

240. The National Oil Corporation decided to work actively against fuel smuggling. Brega Petroleum, a subsidiary of the Corporation, established an "Oil and Oil Derivatives Oversight Committee" to investigate the problem. Its findings led the Corporation to take action against some companies and individuals[77] in early 2017. In fact, the Corporation has accused the Petroleum Facilities Guard in the refinery in Zawiyah of participating in fuel smuggling operations (see recommendation 11).[78]

241. The Panel continues to observe vessels showing suspicious navigational patterns in the vicinity of the coastal town of Zuwarah. Individuals and companies mentioned in previous reports are still operational (see S/2016/209, paras. 205-206). In 2016, the Libyan coastguard impounded several ships in the same area in incidents related to fuel smuggling (see annex 63):

Name	*IMO No*	*Flag*	*Impounded on*	*Annex 63 section*
Captain Khayyam	8927814	Sierra Leone	13 February 2016	A
San Gwann	8987515	Togo	10 May 2016	B
Temeteron	8917170	Belize	28 June 2016	C

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[77] Abdulkader Assad, "Attorney General's office issues arrest warrants, travel bans against several government officials", *Libya Observer*, 26 January 2017. Available from www.libyaobserver.ly/economy/attorney-general%E2%80%99s-office-issues-arrest-warrants-travel-bans-against-several-government.

[78] Abdulkader Assad, "PFG relinquishes Al-Zawiya refinery, NOC moves to secure it", *Libya Observer*, 7 January 2017. Available from www.libyaobserver.ly/news/pfg-relinquishes-al-zawiya-refinery-noc-moves-secure-it.

242. Criminal networks tip off the coastguard to prevent rival gangs from carrying out successful smuggling operations. The coastguard in Zawiyah is also involved in the smuggling business.[79]

243. Other vessels of interest during the reporting period are:

Name	*IMO No*	*Flag*	*Annex 64 section*
Sukran C	9280196	Turkey	A
Selay	8870865	Turkey	B
Haci Telli	9353163	Turkey	C
Hulin	9447043	Malta	D
Transnav Hazel	9452268	Unknown	E
Aqasia	9556753	Malta	F
Bukhara	9015345	Palau	G
Sichem Singapore	9322061	Malta	H

244. The Economy, Trade and Investment Committee of the House of Representatives[80] issued a statement on 17 July 2016, addressed to the Maltese authorities, recalling that subsidized products are not eligible for export (see annex 65). On 25 October 2016, the western National Oil Corporation addressed a letter to the Ministry of Foreign Affairs requesting it to send reminders to neighbouring countries that the Corporation is the sole entity authorized by law to import or export crude oil and its derivatives (see annex 66).

245. As mentioned in paragraph 240, the leader of the Petroleum Facilities Guard in Zawiyah, Mohamed Koshlaf, also known as Kasib or Gsab (see paras. 105 and 258), is involved in the procurement of fuel for smugglers. He also commands the so-called militia Nasr.[81] His brother, Walid Koshlaf, also known as Walid al-Hadi al-Arbi Koshlaf, runs the financial side of the business. The head of the coastguard in Zawiyah, Abd al-Rahman Milad (alias Bija) (see also paras. 59, 105 and 258), is an important collaborator of Koshlaf in the fuel business.

246. Another significant smuggler operating from Zawiyah is Ibrahim Hneish, who leads his own armed group.[82]

247. On the other side of the fuel business, brokering companies reach out to vessel owners through established channels to buy fuel from Libya (see annex 67). The western National Oil Corporation, when made aware of those offers, contacted the companies involved to remind them of the illegal nature of the proposed deals.

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[79] Tom Kington, "EU navies find training Libyan coastguard no easy task", *Defense News*, 20 March 2017. Available from www.defensenews.com/articles/eu-navies-find-training-libyan-coast-guard-no-easy-task.

[80] This committee is chaired by Ali Faraj al-Qatrani, member of the Presidency Council.

[81] Sami Zaptia, "PFG western division Nasr brigade withdraws from Zawia refinery after Sanalla public accusation of fuel smuggling collusion", *Libya Herald*, 5 January 2017. Available from www.libyaherald.com/2017/01/06/pfg-western-division-nasr-brigade-withdraws-from-zawia-refinery-after-sanalla-public-accusation-of-fuel-smuggling-collusion.

[82] Moutaz Ali, "Zawia elders attempt new ceasefire as clashes erupt again", *Libya Herald*, 9 November 2016. Available from www.libyaherald.com/2016/11/09/zawia-elders-attempt-new-ceasefire-as-clashes-erupt-again.

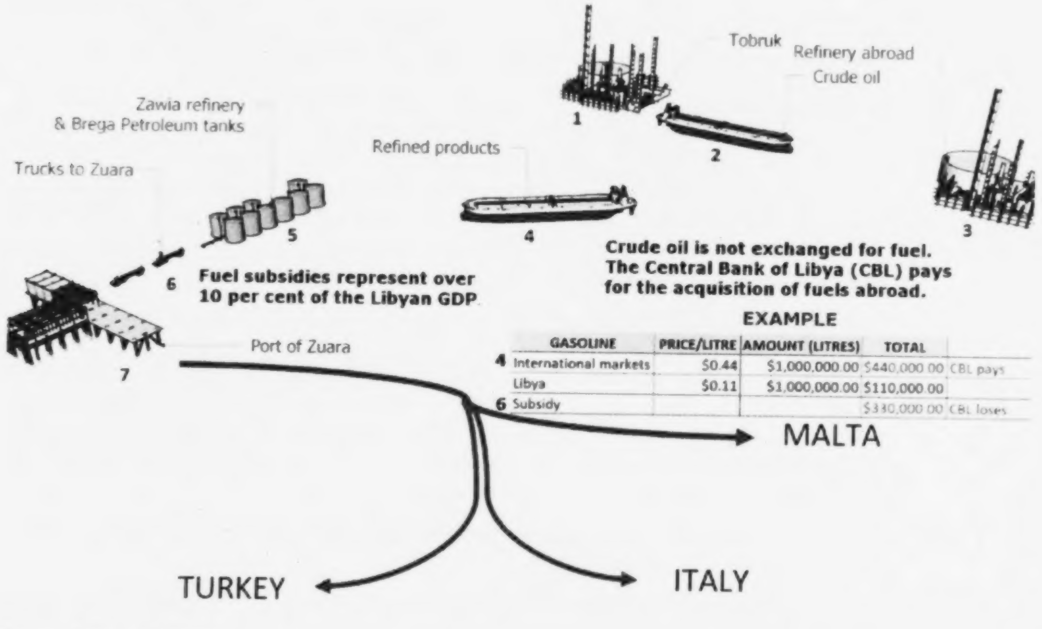
248. Fuel smugglers provide the captains of the vessels with official-looking documents. Some of them, when contacted after the impounding of one of their vessels, refer to such documents to claim the legality of the shipment.

249. The case of the *Sichem Singapore* (see annex 64, sect. H) constitutes the first attempt known to the Panel to sell a product extracted and refined within Libya (into heavy oil). It is also the first attempt known to the Panel that was made from the eastern shoreline. It shows that fuel smuggling can quickly expand when no credible deterrence exists (see recommendation 10).

250. The eastern National Oil Corporation has denied its involvement in the case, although at least one member of its board seems to have been involved. It might indicate internal divisions within the board, resulting in unilateral actions being taken by some of its members (see para. 201).

251. Figure 31 attempts to explain how fuel smuggling damages the wealth of Libya, affecting both crude oil production and the fuel subsidy system.

Figure 31
Libyan oil cycle



Fuel subsidies represent over 10 per cent of the Libyan GDP.

Crude oil is not exchanged for fuel. The Central Bank of Libya (CBL) pays for the acquisition of fuels abroad.

EXAMPLE

	GASOLINE	PRICE/LITRE	AMOUNT (LITRES)	TOTAL	
4	International markets	$0.44	$1,000,000.00	$440,000.00	CBL pays
	Libya	$0.11	$1,000,000.00	$110,000.00	
6	Subsidy			$330,000.00	CBL loses

Source: Panel of Experts.

2. By land

252. Fuel is transported from Zawiyah to Zuwarah, Ujaylat, Riqdalin and Jumayl and then smuggled by land onward to Tunisia.

253. The "Oil and Oil Derivatives Oversight Committee" carried out a field visit to Ras Ajdir and Zuwarah in July 2016. Its report was delivered to the Presidency Council through the National Oil Corporation and addresses smuggling by land and sea (see annex 68). This trade has also become a concern for the Tunisian authorities.

254. Recently, it was reported that measures had been taken to reduce illegal flows.[83]

B. Migrant smuggling and trafficking in persons

255. Migrant smuggling and trafficking in persons is integrated with other smuggling activities, such as smuggling of arms, drugs and gold. Armed groups actively participate in the smuggling or take a cut of the profits. Smuggling occurs virtually uncontested because of the lack of reliable security forces.

1. Western Libya

256. Arriving from Agadez in the Niger, migrants are gathered in warehouses located in Qatrun, Awbari, Sabha and Murzuq, where several groups make a profit from facilitation. Tebu and Tuareg smugglers "facilitate" migrant crossings of the southern border. Tebu leaders, such as Adamu Tchéké and Abu Bakr al-Suqi, collect tolls in cash for travel from the border to Sabha. Tuareg leaders, such as Cherif Aberdine,[84] control the route to Murzuq.

257. In Sabha, members of the Awlad Suleiman tribe are reportedly organizing the smuggling. From Ghadamis to Bani Walid and Nalut, the Zintanis Mohamed Maatoug and Ali Salek are frequently mentioned as major transporters of migrants (and cannabis).

258. On the coast, the main facilitators are based in Zawiyah, Zuwarah and Sabratah. They include the armed group commanders Mohamed Koshlaf and Ahmed Dabbashi (alias Amu). Coastguard commander Abd al-Rahman Milad (alias Bija) collaborates with Koshlaf (see paras. 59, 105 and 245).[85] The main departure site appears to be Talil Beach, in the resort complex in Sabratah.

2. Eastern Libya

259. The eastern route is managed by "fixers" from Eritrea, Ethiopia and Somalia, who identify candidates for departure and handle the finances. Libyans organize transportation within their territory. Migrants who have taken this route systematically report that uniformed men were overseeing their movements.

260. The coordination in the border region of Kufrah is supposedly organized among the Tebus, Zways and elements of the Rapid Support Forces in the Sudan deployed along the border with the Sudan.[86]

261. Up until 2016, most of the migrants were taken from Kufrah to Ajdabiya, where they were kept under the authority of the commander of the Petroleum Facilities Guard, Ibrahim Jadhran. One Eritrean, detained for a year in Ajdabiya, told the Panel that migrants were used by the Petroleum Facilities Guard for

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[83] Abdulkader Assad, "Fuel and gas crisis committee confirms success of anti-fuel-smuggling campaign", *Libya Observer*, 1 April 2017. Available from www.libyaobserver.ly/news/fuel-and-gas-crisis-committee-confirms-success-anti-fuel-smuggling-campaign.

[84] A potential alias; the smuggler might have used the name of the late Niger presidential adviser and notorious smuggler, Cherif Abidine, who died in February 2016.

[85] Nancy Porsia, "The kingpin of Libya's human trafficking mafia", TRT World, 22 February 2017. Available from www.trtworld.com/magazine/the-kingpin-of-libyas-human-trafficking-mafia-301505.

[86] Suliman Baldo, "Border control from hell: how the EU's migration partnership legitimizes Sudan's 'militia State'" (The Enough Project, April 2017). Available from www.enoughproject.org/files/BorderControl_April2017_Enough_Finals.pdf.

demining operations without any military training or protective gear. The Petroleum Facilities Guard finally transferred him to another armed group in Sabratah.

262. The Panel is investigating a number of bank transfers from relatives of migrants located in Sweden. These deposits are being made to Swedish bank accounts of the migrant smugglers for onward transfers through hawala systems located in the Sudan and in Dubai, United Arab Emirates, where the money is laundered.

C. Armed group interference with State institutions

263. The interference of armed groups in State institutions has increased. The Panel's findings related to this topic are covered under section VIII.

D. Financing from the local arms trade

264. The arms trade within Libya is an important source of income for various armed groups. The Panel received reports of active arms trading at markets in Zintan, Misratah, Ajdabiya and Waw. The materiel offered includes heavier and more sophisticated systems. A functioning Milan anti-tank system including four missiles, for example, is available for $9,000. In some cases, fighters and arms are offered together.

265. Local arms trading is also organized through virtual markets. The Panel continues to observe weapons being offered for sale on Libyan Facebook sites. The Small Arms Survey has recently highlighted their use by armed groups and their members (see annex 33).[87]

266. Finally, armed groups are also involved in the business of modifying non-lethal equipment, such as pickup trucks, blank firing guns or ammunition, for military use (see para. 164 and annex 46).

X. Implementation of the asset freeze

A. Frozen assets

1. Mutassim Qadhafi

267. The Panel is analysing the bank accounts of three suspected, interlinked, front companies for the late Mutassim Qadhafi (LYi.014), based in Malta. The first, Mezen International Limited, was no longer active upon the imposition of the asset freeze on Qadhafi, and its relevance lies solely in the fact that it shows pre-existing relations and linkages. When its main account was closed in June 2010, the remaining balance of over €55 million was transferred to a second company, Capital Resources Limited. The company's accounts in Malta were frozen under the sanctions.

268. However, the main source of funding for the Mezen account in 2010 was a third company, Moncada International Limited, which transferred over €40 million that year in three instalments. In addition, Moncada received €3 million from Mezen two weeks before the latter closed its account. The Maltese authorities explained to the Panel that Moncada was struck off the companies register in September 2013.

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[87] N.R. Jenzen-Jones and Ian McCollum, "Web trafficking: analysing the online trade of small arms and light weapons in Libya", Working Paper No. 26 (Small Arms Survey, April 2017).

Nevertheless, company accounts show transfers of significant amounts of money after 26 February 2011, when Qadhafi was listed. Between 26 February and 14 July 2011, €10 million was transferred out of the Moncada account, which was never frozen. The Panel has recently written to Malta to underscore that it is crucial to trace that money and investigate its origin.

269. The Panel has also enquired with Italy about the status of an expensive flat allegedly owned by Mutassim Qadhafi. The €5.5 million flat appears to have been bought by a front company, Diamond VIP Service SRL. One of the partners of that company, Saleh R. KH. Drah, was a director at Moncada International Limited. The title deed is in the name of Ali Ahmed Beinen, another partner in Diamond VIP. Beinen is suspected by Libyan litigators of having been a close associate of Qadhafi. In the month running up to the purchase of the flat, Beinen also received €91,000 worth of consultancy fees from Moncada. The temporary tenant of the flat, Vanessa Hessler, has publicly declared having had a relationship with Qadhafi. She also initiated a case at a court in Rome against Beinen, claiming that she received the flat as a gift from Qadhafi, who was the real owner (see annex 69). Italy replied to the Panel that there were currently no grounds to connect the property to Qadhafi and that it could therefore not be frozen.

2. Saadi Qadhafi

270. The Panel continues its investigation into the sources of an account in the name of the Ugandan company Aurelius Holdings, where funds were held on behalf of Saadi Qadhafi (see S/2016/209, paras. 268-270) with the intention to move him from the Niger to Uganda. The account held over $1 million, the large majority of which originated from four sources: three bank transfers and one cash deposit. All transfers to this account constituted violations of the asset freeze.

271. The depositor of the cash transfer was identified as Ugandan Paul Nkangi, personal assistant to Habib Kagimu, who was co-director of Aurelius and one of the two signatories of its bank account. There are conflicting statements on how this cash was obtained, none of which the Panel could confirm. The Panel is aware that Qadhafi had access to funds of at least $2 million while residing in the Niger (see annex 70), including large amounts of cash.

272. The Panel has identified a company that made one of the transfers to Aurelius, Al-Firdaws International Trading Company, based in Tunisia. The Tunisian authorities confirmed the involvement of Al-Firdaws to the Panel and reported that the company accounts were frozen on suspicion of money-laundering. Importantly, Al-Firdaws received a cash deposit of $600,000 on the same day it transferred $400,000 to Aurelius.

273. The Panel also identified a second company that made a transfer to Aurelius, Adena Way General Trading. Adena Way is a company based in the United Arab Emirates, where it is managed by a Libyan national, Adel Abdalla Omar Deyab. Its company accounts in the United Arab Emirates did not show any transfer to Aurelius and were closed in August 2014. However, it also holds an account in Tunisia, and it is from this account that the transfer to Aurelius was made under the pretext of paying for a shipment of tea. The United Arab Emirates accounts show systematic incoming and outgoing transfers of large and relatively round sums, typical for money-laundering operations. They also show a connection with the Tunisian account for Adena Way. The payment from the Tunisian account of Adena Way to Aurelius was preceded by a payment from a Libyan company to Adena Way. The Panel is investigating this transfer.

274. The origin of the third transfer could not be verified. The Panel has twice requested the assistance of Uganda in providing copies of all relevant banking

documents and setting up a meeting with Nkangi and Kagimu. These requests have remained unanswered.

275. The variety of sources feeding into the Aurelius account opened in support of Saadi Qadhafi's potential move to Uganda show the complexity of the organization of the finances of former regime members. It also shows that many of these transactions are handled in large sums of cash. The tracing of these funds will require significant resources and a dedicated effort. In the Panel's view, this is impossible until stability in Libya is restored and Libyan investigators are empowered by an indisputable mandate from an uncontested authority (see recommendations 8 and 9).

3. Hannibal Qadhafi

276. Information received by the Panel shows that Hannibal Qadhafi received large and systematic payments from a group of at least four companies for years before the revolution in 2011: Mariner for Maritime Transport, Golden Delta Mariner Shipping, Diamond Delta Mariner Shipping and Um al Houqol. These four companies are closely connected in terms of their shareholders, management and location.

277. In the case of Mariner for Maritime Transport, documentation is available (see annex 71) that shows that Qadhafi was recognized as a board member of the company. However, Libyan sources suspect that he was in fact the owner of the company.

278. The income of Mariner appears to have originated mainly from the oil and gas sector of Libya: the National Oil Corporation, Mabruk Oil Operations, Zawiyah oil and gas refinery, the Brega Marketing Company and several others. Monthly payments of over several hundred thousands of euros and United States dollars were further transferred from these company accounts to various destinations. Some of these transactions were identified as direct payments into a personal bank account of Hannibal Qadhafi, mentioning unlikely descriptions such as "personal loan". It is not clear to the Panel which services, if any, Mariner would have provided to the above-mentioned companies to justify these payments.

279. After 26 February 2011, the transfers of funds into the various Mariner accounts stopped.[88] However, the business executives continued to be involved in numerous international companies with accounts or activities abroad, including in Cyprus, Italy and Tunisia. The real activities of these companies, many of which have similar names, are not clear. Nevertheless, very large amounts of money — millions in hard currency — continued to move through these accounts during the years following the revolution. Some of these movements appear suspicious, including large payments of dividends or transfers from a company that was dissolved on 21 October 2009.

280. The suspicious movements described above indicate that the entities involved could be, or have been, front companies. Taking into account the established previous relationship between the business executives, their companies and Hannibal Qadhafi, this raises the possibility that these individuals continue to manage funds for the listed individual, which would be a violation of the asset freeze. The Panel is pursuing its investigations with the relevant Member States.

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[88] With the exception of one transfer from the Mellitah gas and oil refinery of €1,137,000 in April 2011.

4. United Kingdom

281. The Panel has made enquiries with the United Kingdom regarding an ongoing investigation into the assets of individuals close to the former regime, but no response has so far been received.

B. Stolen assets

282. The Panel is investigating several reported cases of stolen Libyan assets that are under the control of a listed individual (or entity), or at risk of misappropriation, or both. The presence of such assets has been reported in several countries on the African continent. In cases where those funds are under the control of a listed individual, they need to be frozen. In cases where one of the competing political factions in Libya is attempting to obtain them, it needs to be ensured that they are not misappropriated or used to fund any actions that threaten the country's peace and security. Either way, full transparency on the alleged cases is required (see recommendation 6).

283. The urgent need to identify and secure such assets was an important driver of the reinstitution of a Stolen Assets Recovery Unit within the Central Bank in August 2016. The Unit reports directly to the Central Bank Governor in Tripoli and is also reliant on cooperation with the Litigation Department of the Ministry of Justice of Libya and the Attorney General's office. The Panel is not convinced that all three parties involved are fully committed to the Unit's efforts. The Unit has actively reached out to various stakeholders. It does not appear that the Presidency Council has been involved in creating or directing the Unit (see recommendation 8).

284. The Panel's investigations into stolen assets, all of which are also being considered by the new Stolen Assets Recovery Unit in Libya, are detailed in annex 72.

XI. Implementation of the travel ban

285. The Panel made the following observations regarding the current location and movements of listed individuals.

286. Safia Farkash Al-Barassi (LYi.019) confirmed that she is currently residing in Egypt, while requesting an exemption for travel to Oman for humanitarian reasons. The Committee approved this request.

287. The Panel confirmed the presence of Hannibal Qadhafi (LYi.010) in Lebanon. Lebanon provided information that Qadhafi had been residing "in [the Syrian Arab Republic] as a political refugee", after which he was "abducted by an armed group and was brought into Lebanon illegally on 6 December 2015". After being released by his kidnappers, Qadhafi was detained by the Intelligence Branch of the Directorate General of the Lebanese Internal Security Forces.

288. Other sources confirmed that Hannibal Qadhafi had previously spent time in the Syrian Arab Republic, in Damascus. The latter State has not replied to the Panel's request for clarification. According to Lebanon, and as supported by other sources, the travel of Qadhafi to Lebanon took place without its knowledge or permission, and is therefore not a violation but an instance of non-compliance.

289. From the available information, it appears that the travel to the Syrian Arab Republic of Hannibal Qadhafi constituted a violation of the travel ban.

XII. Recommendations

290. The Panel recommends:

Arms embargo

To the Security Council

Recommendation 1. To clarify, for the benefit of the wider membership, the mechanism to which Member States can refer to identify the national security forces under the control of the Government of National Accord that can benefit from the exception for any technical assistance, training or financial assistance, as outlined in paragraph 10 of resolution 2095 (2013). [see paras. 29, 52, 94 and 155]

Recommendation 2. While maintaining the exception for technical assistance, training or financial assistance, as outlined in paragraph 10 of resolution 2095 (2013), to suspend the exception for supplies of non-lethal military equipment, when intended solely for security or disarmament assistance to the Government of Libya, as outlined in the same paragraph, by reverting to the procedure outlined in paragraph 13 (a) of resolution 2009 (2011) for non-lethal military equipment. [see paras. 155 and 164]

To the Committee

Recommendation 3. To make publicly available, following the briefing by the focal point pursuant to paragraph 6 of resolution 2278 (2016), the structure of the security forces under the control of the Government of National Accord, in order to assist Member States in the authorization of the delivery of security assistance to Libya. [see paras. 52 and 155]

Recommendation 4. To consider classifying electronic interception equipment as military equipment under the Libya sanctions regime, and to inform the wider membership accordingly. [see para. 169]

To Member States

Recommendation 5. To increase regional cooperation on air control so as to provide deterrence against violations of the arms embargo by air and facilitate the identification of such violations, and to report cases of violations to the Committee. [see para. 129]

Asset freeze

To the Security Council

Recommendation 6. To require Member States to report on the presence of stolen Libyan assets on their territory, prior to their return to the Government of Libya, and on any possible relation to listed individuals and entities. [see para. 282]

To the Committee

Recommendation 7. To remove the a.k.a. "Libyan Foreign Investment Company (LFIC)" from the entry of the Libyan Investment Authority (LIA) (LYe.001) on the sanctions list; alternatively, to add as an additional a.k.a. "Libyan Foreign Investment Company (LAFICO)" in the entry of the Libyan Investment Authority (LIA) (LYe.001) on the sanctions list. [see para. 238]

To Libya

Recommendation 8. To provide the necessary access, support and resources to the Stolen Assets Recovery Unit of the Central Bank of Libya. [see para. 275]

To Member States

Recommendation 9. To provide the necessary access and support to the Stolen Assets Recovery Unit of the Central Bank of Libya. [see paras. 275 and 283]

Measures in relation to attempts to illicitly export crude oil from Libya

To the Security Council

Recommendation 10. To extend the measures under resolution 2146 (2014) to attempts to illicitly export oil derivatives that were extracted and refined in Libya. [see para. 249]

Recommendation 11. To extend the measures under resolution 2146 (2014) to attempts to illicitly export oil products previously imported to Libya. [see para. 240]

Designation criteria

To the Committee

Recommendation 12. To consider the information provided separately by the Panel on individuals meeting designation criteria contained in the relevant Council resolutions.

Recommendation 13. To contribute to ending the current climate of impunity in Libya by considering those committing serious violations of human rights and international humanitarian law for designation under the Libya sanctions regime. [see para. 88]

To Libya

Recommendation 14. To consider a matter raised in the Panel's previous final report (see S/2016/209, recommendation 18), on which the Committee took action by dispatching a letter to the Permanent Mission of Libya to the United Nations, in relation to the Central Bank of Libya, the Libyan Investment Authority and the Libyan Post, Telecommunication and Information Technology Company. In this connection, and in relation to the National Oil Corporation, the Panel suggests the following potential steps that could promote the reunification of State financial institutions: an expedient move of the National Oil Corporation headquarters to Benghazi; integration of former members of the board of directors of the eastern National Oil Corporation into the unified management structure; restoring the access of the Central Bank's eastern branch to the central information technology system; and initiating negotiations in Tripoli under article 15 of the Libyan Political Agreement, which relates to the above-mentioned institutions. [see para. 193]

General

To the Committee

Recommendation 15. To update the Committee guidelines to reflect the current status of the Libya sanctions regime. [see para. 155]

To Member States

Recommendation 16. To bring to the attention of the Fifth Committee of the General Assembly the need to allocate funds to afford experts serving on sanctions monitoring bodies access to complementary health and medical evacuation insurance when travelling in high-risk countries ("war insurance"). [see para. 22]

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Annex 1 Abbreviations and acronyms

AAS	Ansar al-Sharia / Ansar al-Charia
ABAM	Al-Bunyan al-Marsous
AGOCO	Arabian Gulf Oil Company
APC	Armoured personnel carrier
AQIM	Al-Qaida in the Islamic Maghreb
ASB	Abu Salim Brigade
BDB	Benghazi Defence Brigades
BRSC	Benghazi Revolutionaries Shura Council
CBL	Central Bank of Libya
CID	Criminal Investigation Department
Committee	Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya
Council	United Nations Security Council
CRA	Civil Registration Authority
DCIM	Department to Counter Illegal Migration
EU	European Union
EUNAVFOR MED	European Union Naval Forces Mediterranean
EUR	Euro
FACT	Front pour l'Alternance et la Concorde au Tchad
FLIR	Forward Looking Infra Red
GNA	Government of National Accord
GTM	Gateway to Mena
HoR	House of Representatives
HSC	High State Council
ICRC	International Committee of the Red Cross
ISIL	Islamic State in Iraq and the Levant
LC	Letters of credit
LIA	Libyan Investment Authority
LIFG	Libyan Islamic Fighting Group
LISCO	Libyan Iron and Steel Company
LNA	Libyan National Army
LPA	Libyan Political Agreement
LPTIC	Libya's Post, Telecommunication and Information Technology Company
LYD	Libyan dinar
MANPADS	Man Portable Air Defence System
MGDB	Military Governor of the Derna-Ben Jawad Region
MoU	Memorandum of Understanding
MSF	Médecins sans frontiers
MSPV	Minerva Special Purpose Vehicles
NGO	Non-governmental organization
NMF	National Mobile Forces

NOC	National Oil Corporation
NSG	National Salvation Government
Panel	Panel of Experts
PC	Presidency Council
PFG	Petroleum Facilities Guard
RSF	(Sudanese) Rapid Support Forces
SALW	Small Arms and Light Weapons
SDF	Special Deterrence Force
SLA/MM	Sudan Liberation Army/Minni Minawi
SRSG	Special Representative of the Secretary-General
StAR	Stolen assets recovery
TAC	Tripoli Administrative Court
TRB	Tripoli Revolutionaries Brigade
TSC	Temporary Security Committee
UN	United Nations
UNICRI	United Nations Interregional Crime and Justice Research Institute
UNMAS	United Nations Mine Action Service
UNODC	United Nations Office on Drugs and Crime
UNSMIL	United Nations Support Mission in Libya
USD	United States Dollar
VBIED	Vehicle-borne improvised explosive device

Annex 2 Overview of the evolution of the Libyan sanctions regime

1. By resolution 1970 (2011), the Security Council expressed grave concern at the situation in Libya, condemned the violence and use of force against civilians and deplored the gross and systematic violation of human rights. Within that context, the Council imposed specific measures on Libya, under Chapter VII of the Charter of the United Nations, including the arms embargo, which relates to arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, in addition to the provision of armed mercenary personnel. The arms embargo covers both arms entering and leaving Libya. The Council also imposed a travel ban and/or an asset freeze on the individuals listed in the resolution. Furthermore, the Council decided that the travel ban and the asset freeze were to apply to the individuals and entities designated by the Committee established pursuant to resolution 1970 (2011) concerning Libya involved in or complicit in ordering, controlling or otherwise directing the commission of serious human rights abuses against persons in Libya.

2. By resolution 1973 (2011), the Security Council strengthened the enforcement of the arms embargo and expanded the scope of the asset freeze to include the exercise of vigilance when doing business with Libyan entities, if States had information that provided reasonable grounds to believe that such business could contribute to violence and use of force against civilians. Additional individuals subject to the travel ban and asset freeze were listed in the resolution, in addition to five entities subject to the freeze. The Council decided that both measures were to apply also to individuals and entities determined to have violated the provisions of the previous resolution, in particular the provisions concerning the arms embargo. The resolution also included the authorization to protect civilians and civilian populated areas under threat of attack in Libya. In addition, it included a no-fly zone in the airspace of Libya and a ban on flights of Libyan aircraft.

3. On 24 June 2011, the Committee designated two additional individuals and one additional entity subject to the targeted measures. By resolution 2009 (2011), the Security Council introduced additional exceptions to the arms embargo and removed two listed entities subject to the asset freeze, while allowing the four remaining listed entities to be subjected to a partial asset freeze. It also lifted the ban on flights of Libyan aircraft.

4. By resolution 2016 (2011), the Security Council terminated the authorization related to the protection of civilians and the no-fly zone. On 16 December 2011, the Committee removed the names of two entities previously subject to the asset freeze.

5. In resolution 2040 (2012), the Council directed the Committee, in consultation with the Libyan authorities, to review continuously the remaining measures with regard to the two listed entities – the Libyan Investment Authority and the Libyan Africa Investment Portfolio – and decided that the Committee was, in consultation with the Libyan authorities, to lift the designation of those entities as soon as practical.

6. In resolution 2095 (2013), the Council further eased the arms embargo in relation to Libya concerning non-lethal military equipment.

7. By resolution 2144 (2014), the Council stressed that Member States notifying to the Committee the supply, sale or transfer to Libya of arms and related materiel, including related ammunition and spare parts, should ensure such notifications contain all relevant information, and should not be resold to, transferred to, or made available for use by parties other than the designated end user.

8. By resolution 2146 (2014), the Council decided to impose measures, on vessels to be designated by the Committee, in relation to attempts to illicitly export crude oil from Libya and authorized Member States to undertake inspections of such designated vessels.

9. By resolution 2174 (2014), the Council introduced additional designation criteria and requested the Panel to provide information on individuals or entities engaging or providing support for acts that threaten the peace, stability of security of Libya or obstructing the completion of the political transition. The resolution strengthened the arms embargo, by requiring prior approval of the Committee for the supply, sale or transfer of arms and related materiel, including related ammunition and spare parts, to Libya intended for security or disarmament assistance to the Libyan government, with the exception of non-lethal military equipment intended solely for the Libyan government. The Council also renewed its call upon Member States to undertake inspections related to the arms embargo, and required them to report on such inspections.

10. By resolution 2213 (2015), the Council extended the authorizations and measures in relation to attempts to illicitly export crude oil from Libya until 31 March 2016. The resolution further elaborated the designation criteria listed in resolution 2174 (2014).

11. By resolution 2214 (2015), the Council called on the 1970 Committee on Libya to consider expeditiously arms embargo exemption requests by the Libyan government for the use by its official armed forces to combat specific terrorist groups named in that resolution.

12. By resolution 2259 (2015), the Council confirmed that individuals and entities providing support for acts that threaten the peace, stability or security of Libya or that obstruct or undermine the successful completion of the political transition must be held accountable, and recalled the travel ban and assets freeze in this regard.

13. By resolution 2278 (2016) the Council extended the authorizations and measures in relation to attempts to illicitly export crude oil, while calling on the Libyan Government of National Accord (GNA) to improve oversight and control over its oil sector, financial institutions and security forces.

14. On 27 April 2016, the Committee designated a vessel illicitly exporting crude oil. The designation was lifted on 12 May 2016.

15. By resolution 2292 (2016), the Council authorized, for a period of twelve months, inspections on the high seas off the coast of Libya, of vessels that are believed to be carrying arms or related materiel to or from Libya, in violation of the arms embargo.

16. To date the Committee has published four implementation assistance notices which are available on the Committee's website.[1]

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[1] Available under http://www.un.org/sc/committees/1970/notices.shtml.

Annex 3 Mandate and appointment

1. By resolution 2278 (2016), the Council extended the mandate of the Panel of Experts established pursuant to resolution 1973 (2011) for a period of 15 months, to carry out the following tasks: to assist the Committee in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011); to gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided upon in resolution 1970 (2011), 1973 (2011) and modified in resolutions 2009 (2011), 2040 (2012), 2095 (2013), 2144 (2014), 2146 (2014), 2174 (2014) and 2213 (2015) in particular incidents of non-compliance; to make recommendations on actions that the Council, the Committee, the Libyan government or other States may consider to improve implementation of the relevant measures; and to provide to the Council an interim report on its work no later than 180 days after its appointment and a final report no later than 15 June 2017 with its findings and recommendations.

2. In resolution 2095 (2013) the Council also encouraged the Panel, while mindful of the responsibility of the United Nations Support Mission in Libya (UNSMIL), to assist the Libyan authorities to counter illicit proliferation of all arms and related materiel of all types, in particular heavy and light weapons, small arms and man-portable surface-to-air missiles (MANPADS), and to secure and manage Libya's borders, to continue to expedite its investigations regarding sanctions non-compliance, including illicit transfers of arms and related materiel to and from Libya, and the assets of individuals subject to the assets freeze established in resolutions 1970 (2011) and 1973 (2011) and modified in resolution 2009 (2011), 2040 (2012) and 2095 (2013) and encouraged UNSMIL and the Libyan government to support Panel investigatory work inside Libya, including by sharing information, facilitating transport and granting access to weapons storage facilities, as appropriate.

3. In resolution 2146 (2014), the Council expanded the Panel's mandate to the measures imposed by that resolution and directed the Panel to monitor the implementation of these measures.

4. In resolution 2174 (2014) the Council requested the Panel to provide information on individuals and entities who meet additional designation criteria related to acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition.

5. Following the adoption of resolution 2278 (2016), five of the Panel's experts were appointed on 12 May 2016 and the sixth on 31 May 2016.

Annex 4 Institutions/individuals consulted

List of institutions/individuals consulted

This list excludes certain individuals, organizations or entities with whom the Panel met, in order to maintain the confidentiality of the source(s) and not to impede the ongoing investigations of the Panel.

Austria	
Government	Ministry of Foreign Affairs, Ministry of Interior, Ministry of Justice
Belgium	
Embassies	Libya
Organisations	EEAS
Chad	
Embassies	France, Italy, USA, Libya
Organizations	Operation Barkhane, Intelligence Fusion Cell
Government	Ministry of Foreign Affairs, Ministry of Defence, Ministry of Interior
Egypt	
Government	Ministry of Foreign Affairs
Organizations	Justice First Foundation
France	
Government	Ministry of Foreign Affairs, Ministry of Defence
Germany	
Government	Ministry of Foreign Affairs, Ministry of Defence, Ministry of Interior
Organizations	US AFRICOM
Italy	
Organizations	EUNAVFOR, Combined Fusion Cell on Libya, San Egidio Community
Libya	
Government	Presidency Council, House of Representatives, Temporary Security Committee, Operation Room Sirte-Misrata, Misrata Military Council, Misrata Municipal Council
Malta	
Government	Ministry of Foreign Affairs, Ministry of Justice
Niger	
Government	Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Defence
Qatar	
Government	Ministry of Foreign Affairs, Ministry of Defence
Sudan	
Government	Ministry of Foreign Affairs, National Intelligence and Security Service
Sweden	
Government	Ministry of Foreign Affairs
Switzerland	
Organizations	Small Arms Survey
Tunisia	
Government	Ministry of Foreign Affairs, Ministry of Defence

Organizations	UNSMIL, UNMAS, International Crisis Group, Libya Institute for Advanced Studies
Embassies	France, Spain, UK
Turkey	
Government	Ministry of Foreign Affairs
United Arab Emirates	
Government	Ministry of Foreign Affairs
United Kingdom	
Government	Foreign & Commonwealth Office, Home Office, Ministry of Defence, Department for International Development
USA	
Government	State Department, Department of Justice, Department of the Treasury
Organizations	UNIDIR

Annex 5 Outgoing correspondence

Panel official outgoing correspondence to Member States since the drafting of submission of its last final report (S/2016/209)

OC no.	Addressee	About	Date
2213 mandate			
18	United Arab Emirates	Assets Freeze	12-Feb-16
19	Tunisia	Assets Freeze	12-Feb-16
20	Malta	Oil measures, Designation Criteria, Arms Embargo	12-Feb-16
21	Security Council	Final report	4-Mar-16
22	CBL	Assets Freeze	23-Mar-16
23	Lebanon	Travel Ban	29-Mar-16
2278 mandate			
24	Individual; cc: Committee Chair	Individual's reply to Panel's investigations	31-Mar-16
25	Committee Chair	Info about Vessel Distya Ameya	22-Apr-16
26	Committee Chair	Vessel Distya Ameya update	26-Apr-16
27	Lebanon	Travel Ban	27-Apr-16
28	Committee Chair	Arms Embargo	28-Apr-16
29	Egypt	Visit	23-May-16
30	Libya	Visit and visas	27-May-16
31	Libya	Visit	3-Jun-16
32	Libya	Visa	15-Jun-16
33	Morocco	Visit	17-Jun-16
34	Chad	Arms Embargo queries and visit	17-Jun-16
35	Sudan	Arms Embargo queries and visit	17-Jun-16
36	Greece	Designation Criteria	17-Jun-16
37	Committee Chair	FTF report inputs res. 2292	7-Jul-16
38	Libya	Arms Embargo, Visit	8-Jul-16
39	Spain	Arms Embargo	8-Jul-16
40	Algeria	Arms Embargo queries and visit	13-Jul-16
41	Committee Chair	Technical updates to IAN 3	13-Jul-16
42	Chad	Visit and visas	15-Jul-16
43	Lebanon	Visit	15-Jul-16
44	Chad	Visit	28-Jul-16
45	Ghana	Assets Freeze	3-Aug-16
46	United Arab Emirates	Arms Embargo queries and visit	4-Aug-16
47	Libya	Arms Embargo	4-Aug-16
48	Tunisia	Oil measures, Designation Criteria	5-Aug-16
49	Germany	Arms Embargo	9-Aug-16
50	Libya	Arms Embargo	9-Aug-16
51	US	Arms Embargo	9-Aug-16
52	US	Arms Embargo	9-Aug-16
53	UK	Arms Embargo	9-Aug-16

OC no.	Addressee	About	Date
54	France	Arms Embargo	9-Aug-16
55	Jordan	Arms Embargo	12-Aug-16
56	United Arab Emirates	Visit	16-Aug-16
57	Syria	Travel Ban	1-Sep-16
58	Jordan	Travel Ban	1-Sep-16
59	Oman	Travel Ban	1-Sep-16
60	Saudi Arabia	Arms Embargo	16-Sep-16
61	Tunisia	Visit	16-Sep-16
62	Malta	Assets Freeze	21-Sep-16
63	Libya	Assets Freeze	27-Sep-16
64	SC President	Interim report	28-Sep-16
65	Caracal International LLC	Arms Embargo	3-Oct-2016
66	Committee Chair	Arms Embargo	3-Oct-2016
67	Czech Republic	Arms Embargo	4-Oct-2016
68	Egypt	Visit	4-Oct-2016
69	Niger	Visit	4-Oct-2016
70	Chad	Visit	4-Oct-2016
71	Ecuador	Arms Embargo	12-Oct-2016
72	United States	Arms Embargo	14-Oct-2016
73	Germany	Visit	14-Oct-2016
74	Spain	Arms Embargo	14-Oct-2016
75	Sudan	Arms Embargo	18-Oct-2016
76	Committee Chair	Recommendation 8	26-Oct-2016
77	Committee Chair	Input on request for guidance on Arms Embargo	31-Oct-2016
78	United States	Arms Embargo	7-Nov-2016
79	Malta	Assets Freeze	7-Nov-2016
80	Committee Chair	2146 focal point letter	8-Nov-2016
81	Committee Chair	Input on an assets freeze exemption request	9-Nov-2016
82	Turkey	Visit	16-Nov-2016
83	Qatar	Visit	16-Nov-2016
84	Tunisia	Visit	30-Nov-2016
85	Committee Chair	IAN 4 update	1-Dec-2016
86	Egypt	Visit	2-Dec-2016
87	Mr. Erik Goaied	Assets Freeze	2-Dec-2016
88	Sam Serj	Assets Freeze	2-Dec-2016
89	Niger	Visit	8-Dec-2016
90	Libya	Renewal of visas	15-Dec-2016
91	Chad	Visit	22-Dec-2016
92	Committee Chair	Input on an assets freeze exemption request	19-Dec-2016
93	Russian Federation	Arms Embargo	21-Dec-2016
94	Moldova	Arms Embargo	22-Dec-2016
95	United Kingdom	Assets Freeze	29-Dec-2016
2017			
1	Sudan	Visit	4-Jan-2017
2	Latvia	Arms Embargo	6-Jan-2017
3	United Kingdom	Arms Embargo	6-Jan-2017
4	Tunisia	Visit	9-Jan-2017
5	Russian Federation	Visit	12-Jan-2017

OC no.	Addressee	About	Date
6	Turkey	Visit	20-Jan-2017
7	Qatar	Visit	30-Jan-2017
8	Sudan	Visit	1-Feb-2017
9	Ghana	Assets Freeze	1-Feb-2017
10	Egypt	Visit	2-Feb-2017
11	Kenya	Assets Freeze	2-Feb-2017
12	Italy	Arms Embargo	3-Feb-2017
13	Italy	Arms Embargo	3-Feb-2017
14	United States	Visit	3-Feb-2017
15	Qatar	Visit	8-Feb-2017
16	Tunisia	Visit	10-Feb-2017
17	Montenegro	Arms Embargo	10-Feb-2017
18	Sweden	Arms Embargo	10-Feb-2017
19	Turkey	Arms Embargo	10-Feb-2017
20	United States	Arms Embargo	10-Feb-2017
21	Brazil	Arms Embargo	10-Feb-2017
22	Burkina Faso	Assets Freeze	17-Feb-2017
23	Ecuador	Arms Embargo	17-Feb-2017
24	France	Assets Freeze	17-Feb-2017
25	Qatar	Arms Embargo	20-Feb-2017
26	EUNAVFOR	Arms Embargo	20-Feb-2017
27	Greece	Arms Embargo	22-Feb-2017
28	Marshall Islands	Arms Embargo	22-Feb-2017
29	Egypt	Arms Embargo	23-Feb-2017
30	United Arab Emirates	Arms Embargo	23-Feb-2017
31	South Africa	Assets Freeze	27-Feb-2017
32	Committee Chair	Vessel Sichem S. Oil	28-Feb-2017
33	France	Arms Embargo	2-Mar-2017
34	Italy	Arms Embargo	28-Mar-2017
35	China	Arms Embargo	15-Mar-2017
36	Austria	Arms Embargo	21-Mar-2017
37	Tunisia	Visit	21-Mar-2017
38	Russian Federation	Arms Embargo	24-Mar-2017
39	France	Arms Embargo	24-Mar-2017
40	Committee Chair	Vessels update	3-Apr-2017
41	Bulgaria	Arms Embargo	3-Apr-2017
42	China	Arms Embargo	6-Apr-2017
43	France	Arms Embargo	6-Apr-2017
44	Italy	Assets Freeze	7-Apr-2017
45	Greece	Arms Embargo	7-Apr-2017
46	Tunisia	Assets Freeze	7-Apr-2017

Annex 6 Table showing level of responsiveness by Member States or Organizations to requests for information and/or visit from the Panel sent from 25 January 2016 until 7 April 2017

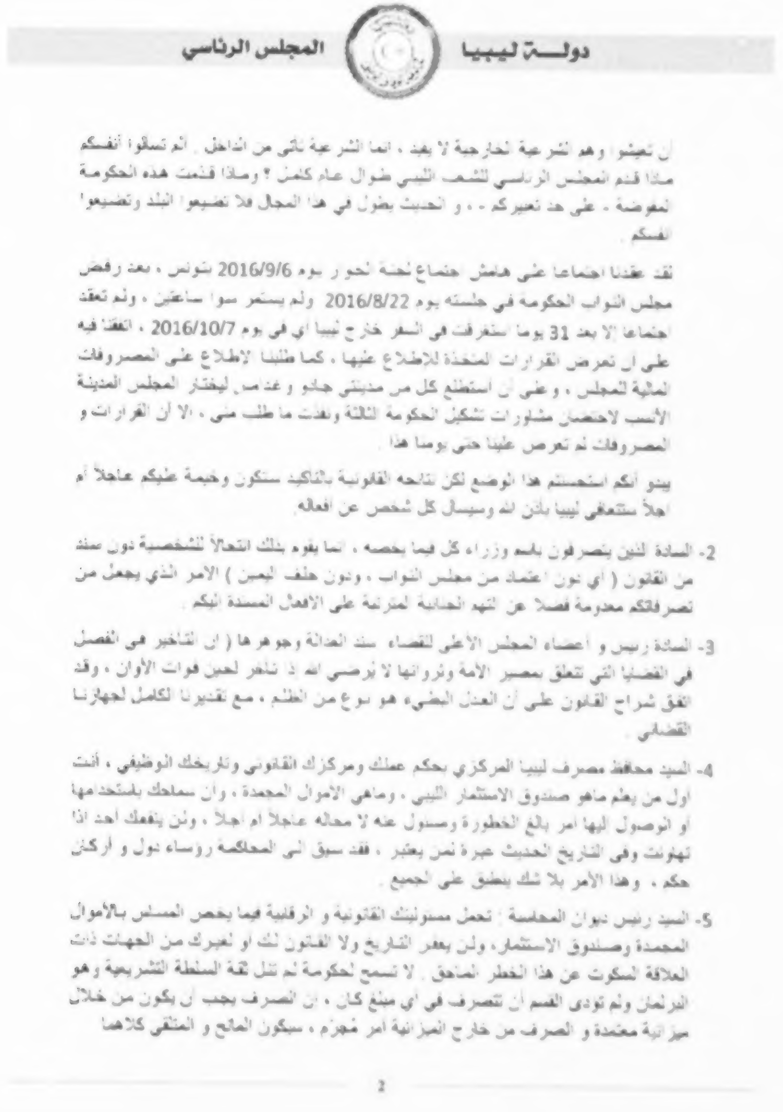
Member State or Organization	Number of letters sent	Requested info fully supplied	Info partially supplied	No answer / information not supplied	Request for visit
Algeria	1			1	Pending
Austria	1	1			N/A
Brazil	1			1	N/A
Bulgaria	1			1 (recent letter)	N/A
Burkina Faso	1	1			N/A
Chad	4	4			Granted
China	2			2 (1 recent letter)	N/A
Czech Republic	1	1			N/A
Ecuador	2		1	1	N/A
Egypt	4	3	1		Granted
France	5	1	1	3	N/A
Germany	2	1	1		Granted
Ghana	2			2	N/A
Greece	3	3			N/A
Italy	4	2	2		N/A
Jordan	2	1	1		N/A
Kenya	1			1	N/A
Latvia	1	1			N/A
Lebanon	2		2		N/A
Libya	8	3		5	Granted
Malta	3	3			Granted
Marshall Islands	1			1	N/A
Moldova	1	1			N/A
Montenegro	1	1			N/A
Niger	2	2			Granted
Oman	1	1			N/A
Qatar	4	3		1	Granted
Russian Federation	3	2		1 (recent letter)	N/A
Saudi Arabia	1	1			N/A
South Africa	1			1	N/A
Spain	2	2			N/A
Sudan	4	4			Granted

Sweden	1			1	N/A
Syria	1			1	N/A
Tunisia	9	7	1	1	Granted
Turkey	3	3			Granted
United Arab Emirates	3	2		1	Granted
United Kingdom	3		1	2	N/A
United States	4	1	1	2	N/A

Annex 7 Umar al-Aswad criticizing the PC and the CBL

1. For the LPA's first anniversary, Umar al-Aswad, a boycotting member of the Presidency Council, drafted an open letter in which he asserts that the PC is weak and paralysed. He points out a lack of transparency within the Libyan executive bodies and the financial institutions.

2. In addition, al-Aswad threatens to sue the Governor of the CBL in Tripoli, Sadiq al-Kebir, because of his alleged use of frozen assets from the Libyan Investment Authority. He also calls on the President of the Audit Bureau to issue an order to stop the members of the GNA from using public funds as they have not been endorsed by the HoR.



دولـــة ليبيا المجلس الرئاسي

أن تعيشوا وهم الشرعية الخارجية لا يفيد ، انما الشرعية تأتي من الداخل . ألم تسألوا أنفسكم ماذا قدم المجلس الرئاسي للشعب الليبي طوال عام كامل ؟ وماذا قدمت هذه الحكومة المفوضة - على حد تعبيركم - ، و الحديث يطول في هذا المجال فلا تضيعوا البلد وتضيعوا أنفسكم .

لقد عقدنا اجتماعا على هامش اجتماع لجنة الحوار يوم 2016/9/6 بتونس ، بعد رفض مجلس النواب الحكومة في جلسته يوم 2016/8/22 ولم يستمر سوا ساعتين ، ولم تعقد اجتماعا إلا بعد 31 يوما استغرقت في السفر خارج ليبيا أي في يوم 2016/10/7 ، اتفقنا فيه على أن تعرض القرارات المتخذة للاطلاع عليها ، كما طلبنا الاطلاع على المصروفات المالية للمجلس ، و على أن استطلع كل من مدينتي جالو و غدامس ليختار المجلس المدينة الأنسب لاحتضان مشاورات تشكيل الحكومة الثالثة ونفذت ما طلب مني ، الا أن القرارات و المصروفات لم تعرض علينا حتى يومنا هذا .

يبدو أنكم استحسنتم هذا الوضع لكن تداعياته القانونية بالتأكيد ستكون وخيمة عليكم عاجلاً أم اجلاً ستتعافى ليبيا باذن الله وسيسأل كل شخص عن افعاله .

2- السادة الذين يتصرفون باسم وزراء كل فيما يخصه ، انما يقوم بذلك انتحالاً للشخصية دون سند من القانون (أي دون اعتماد من مجلس النواب ، ودون حلف اليمين) الامر الذي يجعل من تصرفاتكم معدومة فضلا عن التهم الجنائية المترتبة على الافعال المسندة اليكم .

3- السادة رئيس و أعضاء المجلس الأعلى للقضاء سند العدالة وجوهرها (ان التأخير في الفصل في القضايا التي تتعلق بمصير الأمة وثرواتها لا يرضي الله اذ تتأخر لحين فوات الأوان ، وقد اتفق شراح القانون على أن العدل البطيء هو نوع من الظلم ، مع تقديرنا الكامل لجهازنا القضائي .

4- السيد محافظ مصرف ليبيا المركزي بحكم عملك ومركزك القانوني وتاريخك الوظيفي ، أنت اول من يعلم ماهو صندوق الاستثمار الليبي ، وماهي الأموال المجمدة ، وان سماحك باستخدامها او الوصول اليها امر بالغ الخطورة ومسئول عنه لا محاله عاجلا ام اجلا ، ولن ينفعك احد اذا تهاونت وفي التاريخ الحديث عبرة لمن يعتبر ، فقد سيق الى المحاكمة رؤساء دول و أركان حكم ، وهذا الأمر بلا شك ينطبق على الجميع .

5- السيد رئيس ديوان المحاسبة : تحمل مسئوليتك القانونية و الرقابية فيما يخص المساس بالأموال المجمدة وصندوق الاستثمار، ولن يغفر التاريخ ولا القانون لك او لغيرك من الجهات ذات العلاقة السكوت عن هذا الخطر الماحق . لا تسمح لحكومة لم تنل ثقة السلطة التشريعية وهو البرلمان ولم تؤدي القسم أن تتصرف في أي مبلغ كان ، ان الصرف يجب أن يكون من خلال ميزانية معتمدة و الصرف من خارج الميزانية امر مُجرم ، سيكون المانح و المتلقي كلاهما

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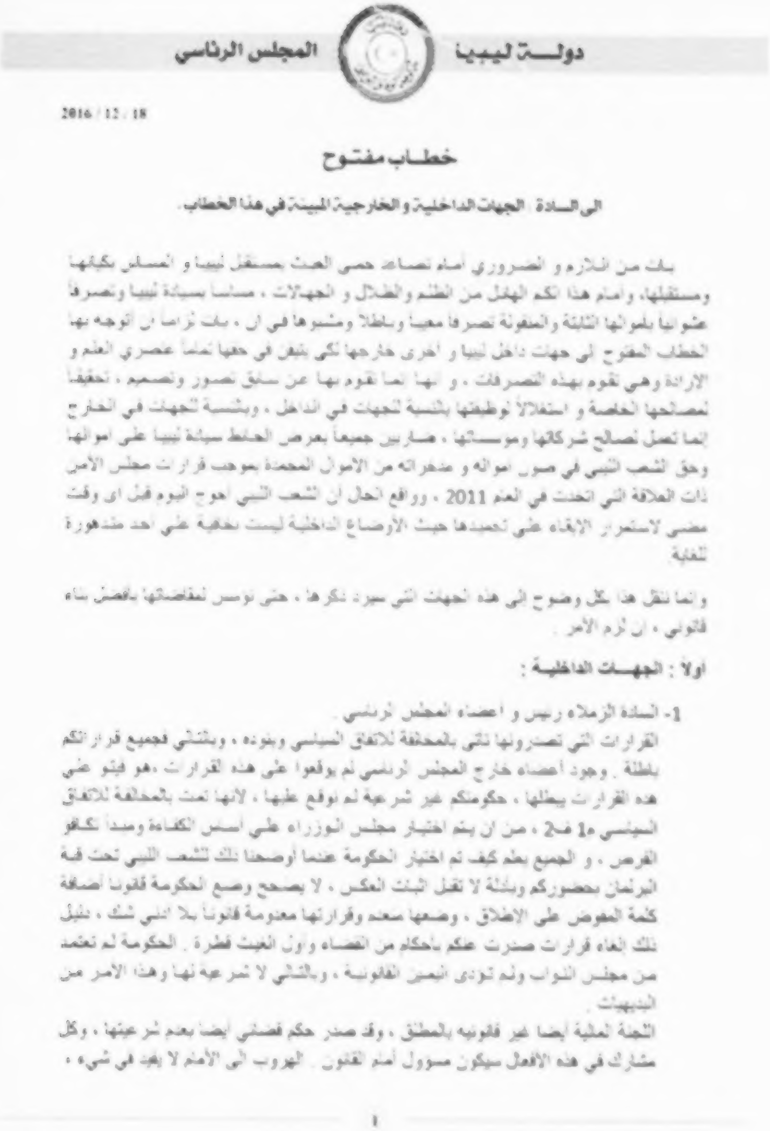


دولـــة ليبيـا المجلس الرئاسي

2016 / 12 / 18

خطـاب مفتـوح

الى الســادة الجهات الداخليـة والخارجيـة المبينـة في هذا الخطاب.

بات من اللازم و الضروري أمام تصاعد حمى العبث بمستقبل ليبيا و المساس بكيانها ومستقبلها، وأمام هذا الكم الهائل من الظلم والضلال و الجهالات ، مساسا بسيادة ليبيا وتصرفاً عشوائيا بأموالها الثابتة والمنقولة تصرفا معيباً وباطلا ومشبوها في آن ، بات لزاماً ان التوجه بهذا الخطاب المفتوح الى جهات داخل ليبيا و أخرى خارجها لكي يتبين في حقها تماماً عنصري العلم و الارادة وهي تقوم بهذه التصرفات ، و انها انما تقوم بها عن سابق تصور وتصميم ، تحقيقاً لمصالحها الخاصة و استغلالاً لوظيفتها بالنسبة للجهات في الداخل ، وبالنسبة للجهات في الخارج إنما تعمل لصالح شركاتها ومؤسساتها ، ضاربين جميعاً بعرض الحائط سيادة ليبيا على أموالها وحق الشعب الليبي في صون أمواله و مقدراته من الأموال المجمدة بموجب قرارات مجلس الأمن ذات العلاقة التي اتخذت في العام 2011 ، وواقع الحال أن الشعب الليبي أحوج اليوم قبل أي وقت مضى لاستمرار الإبقاء على تجميدها حيث الأوضاع الداخلية ليست بخافية على أحد متدهورة للغاية

وانما ننقل هذا بكل وضوح إلى هذه الجهات التي سيرد ذكرها ، حتى نؤسس لمقاضاتها بأفضل بناء قانوني ، إن لزم الأمر .

أولاً : الجهــات الداخليــة :

1- السادة الزملاء رئيس و أعضاء المجلس الرئاسي .

القرارات التي تصدرونها تأتي بالمخالفة للاتفاق السياسي وبنوده ، وبالتالي فجميع قراراتكم باطلة . وجود أعضاء خارج المجلس الرئاسي لم يوقعوا على هذه القرارات ،هو فيتو على هذه القرارات يبطلها ، حكومتكم غير شرعية لم نوقع عليها ، لأنها تمت بالمخالفة للاتفاق السياسي م1 ف2 ، من أن يتم اختيار مجلس الوزراء على أساس الكفاءة ومبدأ تكافؤ الفرص ، و الجميع يعلم كيف تم اختيار الحكومة عندما أوضحنا ذلك للشعب الليبي تحت قبة البرلمان بحضوركم وبأدلة لا تقبل اثبات العكس ، لا يصحح وضع الحكومة قانونا أضافة كلمة المفوض على الاطلاق ، وضعها معدم وقراراتها معدومة قانوناً بلا أدنى شك ، ودليل ذلك الغاء قرارات صدرت عنكم بأحكام من القضاء وأول الغيث قطرة . الحكومة لم تعتمد من مجلس النواب ولم تؤدي اليمين القانونية ، وبالتالي لا شرعية لها وهذا الأمر من البديهيات .

اللجنة المالية أيضا غير قانونيه بالمطلق ، وقد صدر حكم قضائي أيضا بعدم شرعيتها ، وكل مشارك في هذه الأفعال سيكون مسؤول أمام القانون . الهروب الى الأمام لا يفيد في شيء ،

1

مسئول عن هذا الفعل ، وكذلك من يقف متفرجا متى كان واقع على كاهله رفض ومنع هذه التجاوزات .

لا ينكر أحد أنك أصدرت تقارير ومراسلات تتعلق ببعض الموضوعات و التجاوزات المالية وهوا أمر جيد ، لكني أصارحك بانه المني كثيراً أن أراك تجلس خارج ليبيا تناقش أمورها المالية و السيادية ومصروفاتها و أموالاً تمثل جزءاً من ميزانيتها و أنت رئيسا لجهاز رقابي في سابقة هي الأولى عبر التاريخ القديم و الحديث. لكن موقفك الذى يجب أن يكون في موضوع الأموال المجمدة و التهافت في السيطرة على صندوق الاستثمار أمر ملح وحيوي وهام ، فأنت عين الرقابة و أداتها.

6- السيد النائب العام : أنتم ممثل الدعوى العمومية في المجتمع و النائب عنه في مباشرة الدعوى بحسب القانون ، اضطلعوا بدوركم في حماية الشعب الليبي من الأفعال التي تهدد مصالحه القومية و الاقتصادية لأن المساس بها تهديد لأمنه القومي . الصندوق السيادي الليبي رابع أكبر صندوق استثماري في العالم ، رصيد الأجيال القادمة ، لا تسمحوا لأحد أن يتلاعب به واللاعبون كثر . لا تتفرجوا على جرائم مالية ترتكب ، افتحوا تحقيقات موسعة وستفاجئون وتصدمون بما يجري .

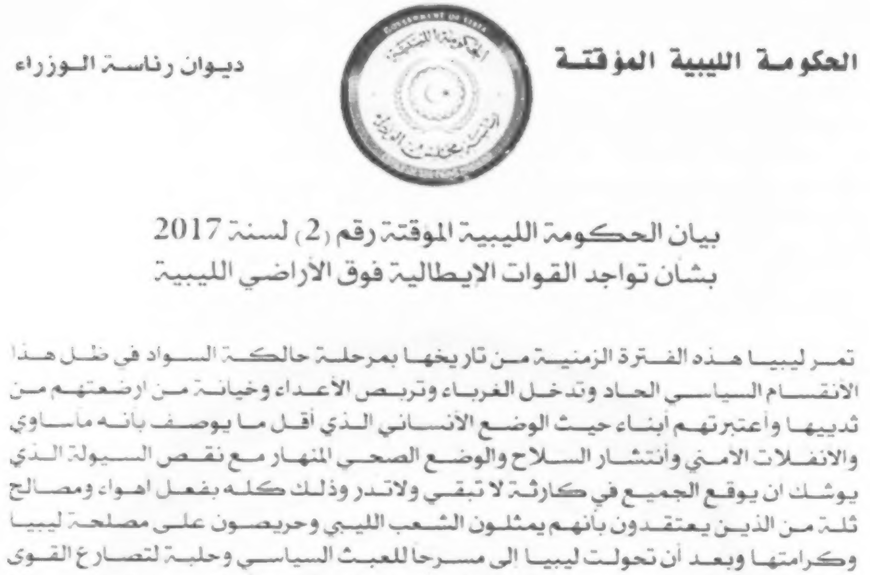
7- السادة الموظفون السامون العاملون بصندوق الاستثمار ومحفظة ليبيا وشركات الاستثمار الداخلية و الخارجية والمصارف الداخلية و الخارجية التي لديها أموال ليبية بجميع مسمياتها ودائع أو أسهم أو سندات أو قروض دائنة . تحسسوا مواقعكم ومراكزكم القانونية ، فإن أي مساس بالأموال أو ما شابهها من أموال ليبيا و الليبيين ستسألون عنها ولن تمر دون عقاب . ولن ينفع أحد منكم من يستقوى بالخارج ، اعلموا أن ليس هناك دولة واحدة تضحي بمصالحها مع دولة أخرى من أجل شخص باع وطنه وشعبه وضميره وساهم في خراب اقتصاد بلده ، فلا احترام لمن باعوا مصالح أوطانهم بأي ثمن .

ثانيا: الجهـات الخـارجية :

السيد معالى الأمين العام للأمم المتحدة .
السيد الممثل الخاص للأمين العام للأمم المتحدة رئيس بعثة الدعم في ليبيا .
السادة سفراء الدول دائمة العضوية في مجلس الأمن .
السيد معـالى الأمين العام في الجامعة العربية .
السيد معالى الأمين العـام للاتحاد الأفريقي .
السيدة ممثل الادعاء بمحكمة الجنايات الدولية .
السـادة لجنـة العقوبـات .
السادة سفراء الإتحاد الأوربي .

Source : Umar al-Aswad

Annex 8 Abdullah al-Thinni accuses the PC of being protected by Italian Special Forces deployed in Libya and handing the country to foreign powers (10 January 2017)



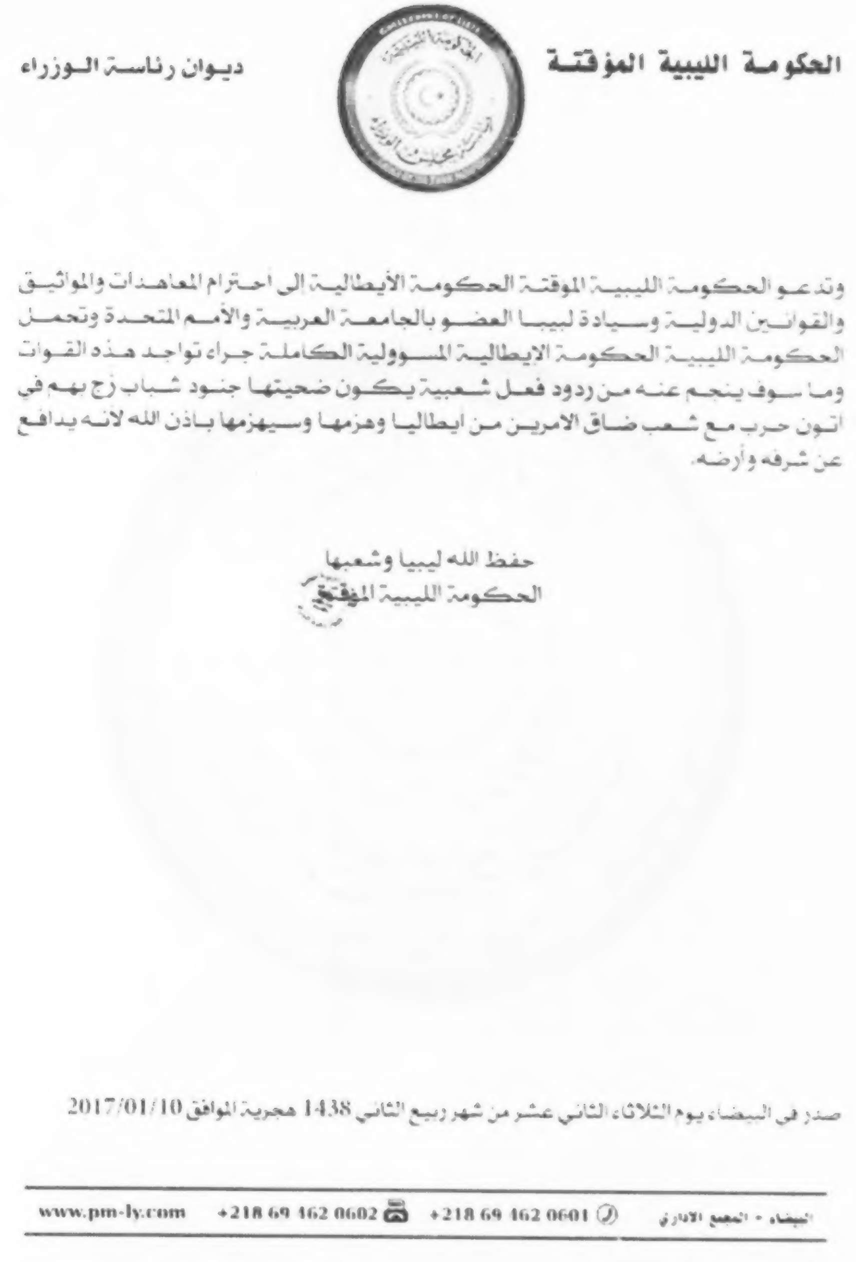
الحكومة الليبية المؤقتة

ديوان رئاسة الوزراء

بيان الحكومة الليبية المؤقتة رقم (2) لسنة 2017
بشان تواجد القوات الايطالية فوق الأراضي الليبية

تمر ليبيا هذه الفترة الزمنية من تاريخها بمرحلة حالكة السواد في ظل هذا الانقسام السياسي الحاد وتدخل الغرباء وتربص الأعداء وخيانة من ارضعتهم من ثدييها واعتبرتهم أبناء حيث الوضع الانساني الذي أقل ما يوصف بانه مأساوي والانفلات الامني وأنتشار السلاح والوضع الصحي المنهار مع نقص السيولة الذي يوشك ان يوقع الجميع في كارثة لا تبقي ولاتذر وذلك كله بفعل اهواء ومصالح ثلة من الذين يعتقدون بانهم يمثلون الشعب الليبي وحريصون على مصلحة ليبيا وكرامتها وبعد أن تحولت ليبيا الى مسرحا للعبث السياسي وحلبة لتصارع القوى الكبرى التي لا يهمها سوى مصالحها رغم أدعائها المتكرر بانها حريصة على وحدة التراب الليبي ولم شمل الليبيين بينما لم تتوقف حكومات تلك القوى على صب الزيت على النار وإذكاء الفتن بين ابناء الشعب الليبي والعمل على إطالة امد الأزمة بالرغم من مطالبة جموع الليبيين على ضرورة أن يكون الحل متمثلا في حواراً وطنياً وليس سياسياً ومصالحة مجتمعية وفي الوقت الذي يخوض فيه الجيش الليبي رغم قلة العدد والعتاد حربا ضروسا ومقدسة على الإرهاب ومحاولة البرلمان الدووبة في إقناع الأطراف الدولية على تبني طرح حل الحوار الليبي والمجهودات التي تبذلها الحكومة الموقتة على الرغم من عدم وجود موارد تغطي المشاريع الخدمية المزمع تنفيذها لصالح المواطن نتفاجا بنزول وحدات من القوات الايطالية بالعاصمة طرابلس وبمعلومات اخرى تشير إلى وجود أكثر من ألف جندي امريكي دخلوا خلسة ومتمركزين باحدى ضواحي العاصمة الأمر الذي يعكس عدم رغبة المجتمع الدولي في إيجاد تسوية للأزمة الليبية بل أصبح ماض وبشكل شبه مؤكد على أستنساخ التجربة العراقية في ليبيا وادخال ليبيا والليبيين في جحيم لا يخفف من وطاته سوى عمل الشرفاء من الوطنيين ودعاء الصالحين وبناءا على ذلك .. فان الحكومة الليبية الموقتة تعتبر تلك الخطوة تدخلا سافرا في الشأن الداخلي بل تعدد إحتلالا صريحا سوف يجابه بالرفض والمقاومة من كافة الليبيين ابناء وأحفاد المجاهدين في حقبة ايطاليا الفاشية.

البيضاء - المجمع الاداري ✆ +218 69 462 0601 📠 +218 69 462 0602 www.pm-ly.com



الحكومة الليبية المؤقتة   ديوان رئاسة الوزراء

وتدعو الحكومة الليبية الموقتة الحكومة الأيطالية الى احترام المعاهدات والمواثيق والقوانين الدولية وسيادة لبيبا العضو بالجامعة العربية والأمم المتحدة وتحمل الحكومة الليبية الحكومة الايطالية المسوولية الكاملة جراء تواجد هذه القوات وما سوف ينجم عنه من ردود فعل شعبية يكون ضحيتها جنود شباب زج بهم في اتون حرب مع شعب ضاق الامرين من ايطاليا وهزمها وسيهزمها باذن الله لانه يدافع عن شرفه وأرضه.

حفظ الله ليبيا وشعبها
الحكومة الليبية المؤقتة

صدر في البيضاء يوم الثلاثاء الثاني عشر من شهر ربيع الثاني 1438 هجرية الموافق 2017/01/10

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Source: Internet[2]

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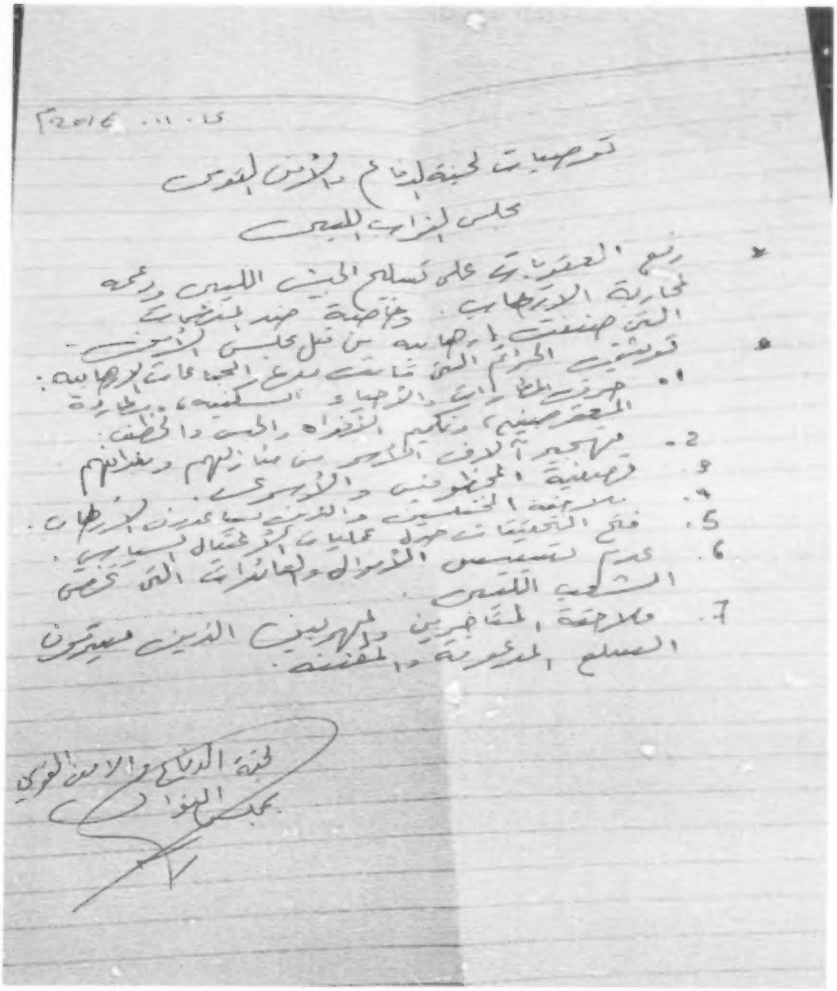
[2] https://www.facebook.com/GovernmentLY/photos/pcb.239021459870658/239021413203996/?type=3&theater

Annex 9 Handwritten and signed letter from the HoR's Defence and Security Committee to the Panel, 15 November 2016



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توصيات لجنة الدفاع والأمن القومي
مجلس النواب الليبي

- رفع العقوبات على تسليح الجيش الليبي ودعمه لمحاربة الإرهاب. وخاصة ضد التنظيمات التي صنفت إرهابية من قبل مجلس النواب.
- توثيق الجرائم التي قامت بها الجماعات الإرهابية:

1. تفجير المطارات والأحياء السكنية، ومطاردة المعتصمين، وتكميم الأفواه والحبس والخطف.
2. تهجير آلاف الأسر من منازلهم ومدنهم
3. تصفية الموقوفين والأسرى.
4. ملاحقة المختلسين والذين ساعدوا الإرهاب.
5. فتح التحقيقات حول عمليات الاحتيال لسياسيين.
6. عدم تسييس الأموال والعائدات التي تخص الشعب الليبي.
7. ملاحقة المتاجرين والمهربين الذين يسيرون السلاح والذخيرة والمفخخات.

لجنة الدفاع والأمن القومي
مجلس النواب

Source: House of Representatives, Defence and Security Committee

Unofficial Translation:

15/11/2016

Recommendations from the

Defence and Security Committee of the HoR

*To lift the embargo imposed on the Libyan National Army. To support the LNA's struggle against terrorism especially against groups classified as terrorist by the Security Council;

* To document the crimes committed by terrorist groups such as:

1/ Burning airports and built-up areas. Persecuting political opponents (detention, kidnappings);

2/Displacing thousands of families from their homes;

3/ Executing kidnapped people and prisoners;

4/ Bribing and supporting terrorist groups

5/ Political assassinations;

6/ Embezzlement of funds and income belonging to the Libyan people;

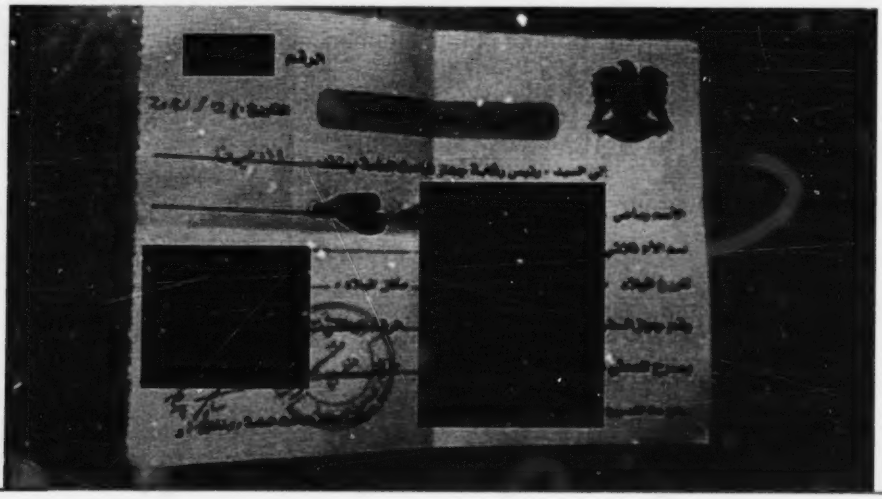
7/ Profiting from the trade in subsidized products.

Defence and Security Committee

Annex 10 Military Rule of the LNA

1. Security clearance documents are signed and delivered by the General Investigations Apparatus (referred to as the Internal Security – *al Amn al Dakhili*) in eastern Libya. The process of obtaining such clearance is imposed on all Libyans wanting to travel abroad through al-Labraq. The Internal Security - Benghazi was involved in several cases of torture, kidnapping and arbitrary detention.

Mandatory security clearance form delivered by the General Investigations Apparatus, delivered in Benghazi, on 26 March 2017



الرقم [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Source: Confidential

Annex 11 List of Salafi Ulemas vetted by Usama al Utaibi in 2014 and authorized to teach Salafi-Madkhali creed in eastern Libya

Salem al Wissari (Abu al-Abbass)
Hamad ben Issa (Abu Ays)
Adel al Qwarsha (Abu Hamza)
Faraj al Maliki (Abu al Abbass)
Al Mabrouk al-Qadi (Abu Jaber)
Mas'oud al Nadhuri (Abu al Rabi)
Ezzeddine Mouhammad (Abu Munir)

Source: Internet[3]

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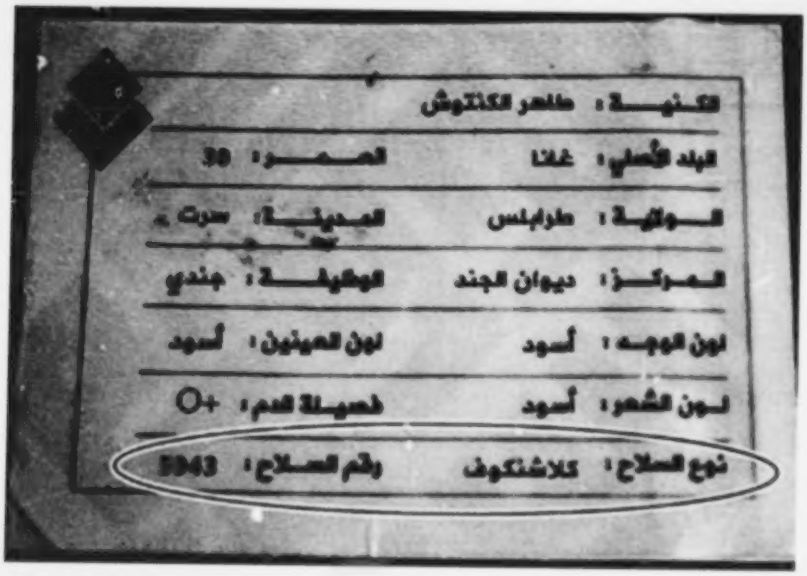
[3] http://bayenahsalaf.com/vb/showthread.php?t=22097.

Annex 12 ISIL organization

1. The documents below have been found by the al-Bunyan al-Marsous (ABAM) Operation in the aftermath of their capture of Sirte in January 2017.

2. The first document shows an identity card. On the last line, as a part of ISIL's careful arms management, appears the fighter's weapon type and serial number.

Identity card of an ISIL foreign fighter



الكنية : طاهر الكنتوش	
البلد الأصلي : غانا	العمر : 30
الولاية : طرابلس	المدينة : سرت
المركز : ديوان الجند	الوظيفة : جندي
لون الوجه : أسود	لون العينين : أسود
لون الشعر : أسود	فصيلة الدم : O+
نوع السلاح : كلاشنكوف	رقم السلاح : 5943

Source: ABAM

Name: Tahar al-Kantush

Governorate: Tripoli City: Sirte

Nationality: Ghana Age: 30

Based: Soldiers Barracks Position: soldier

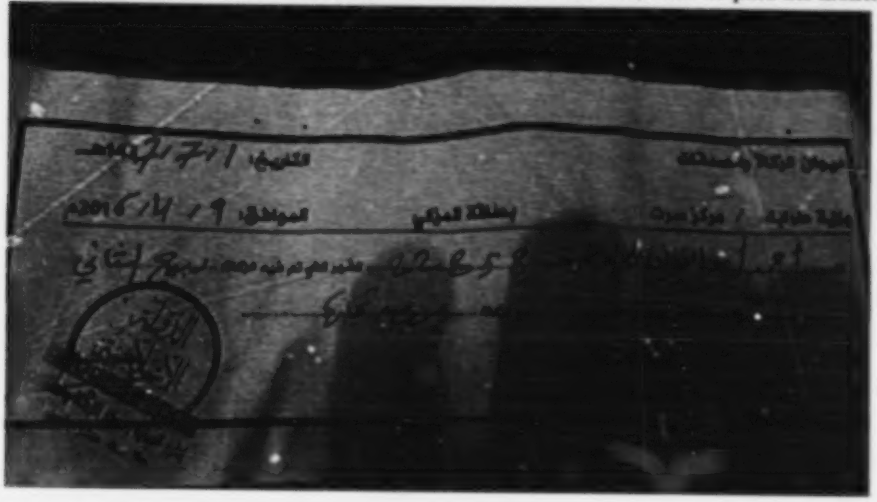
Face color: black Eyes color: black

Hair color: black Blood group: 0+

Weapon type: Kalashnikov Serial number: 5943

3. The main source of financing for ISIL came from a system of taxation based on monthly 'alms' (religious contributions or *Zakat*) withheld from the soldiers' salaries.

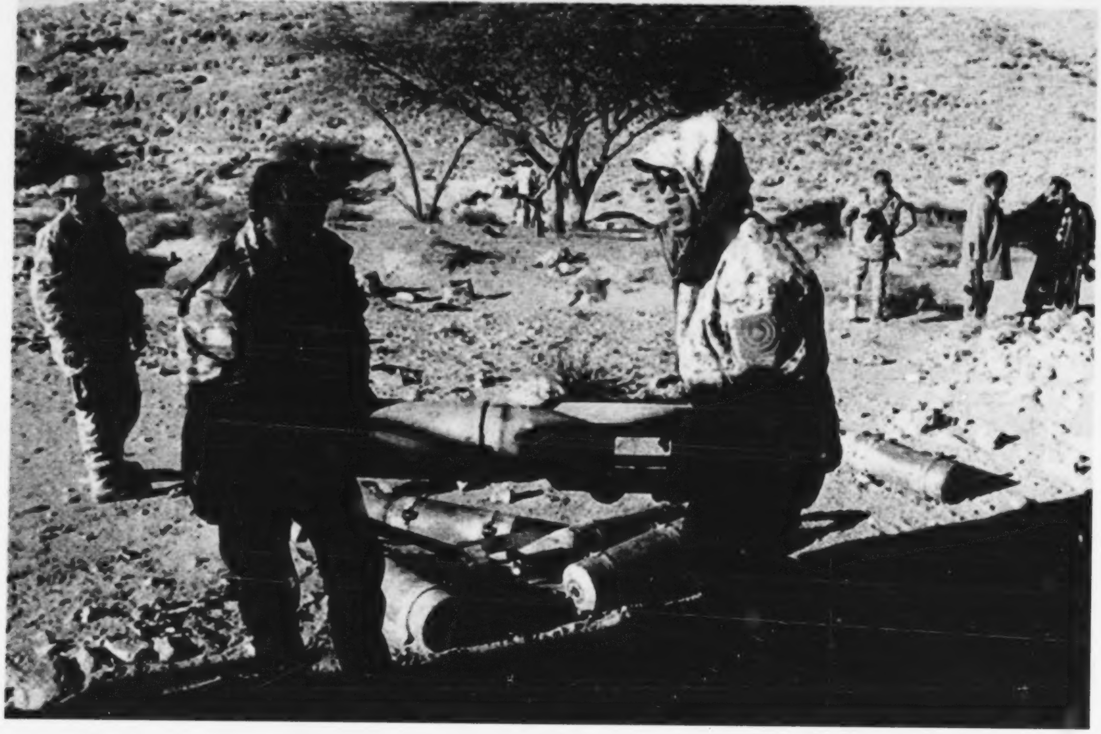
Voucher handed out to a soldier, Ahmed al-Niran Al-Warfalli, after he paid his monthly tax



Source: ABAM

Annex 13 Brigade ABAM securing Sirte

Brigade Bunyan al-Marsous securing 20 bombs previously abandoned by ISIL



Source : Internet[4]

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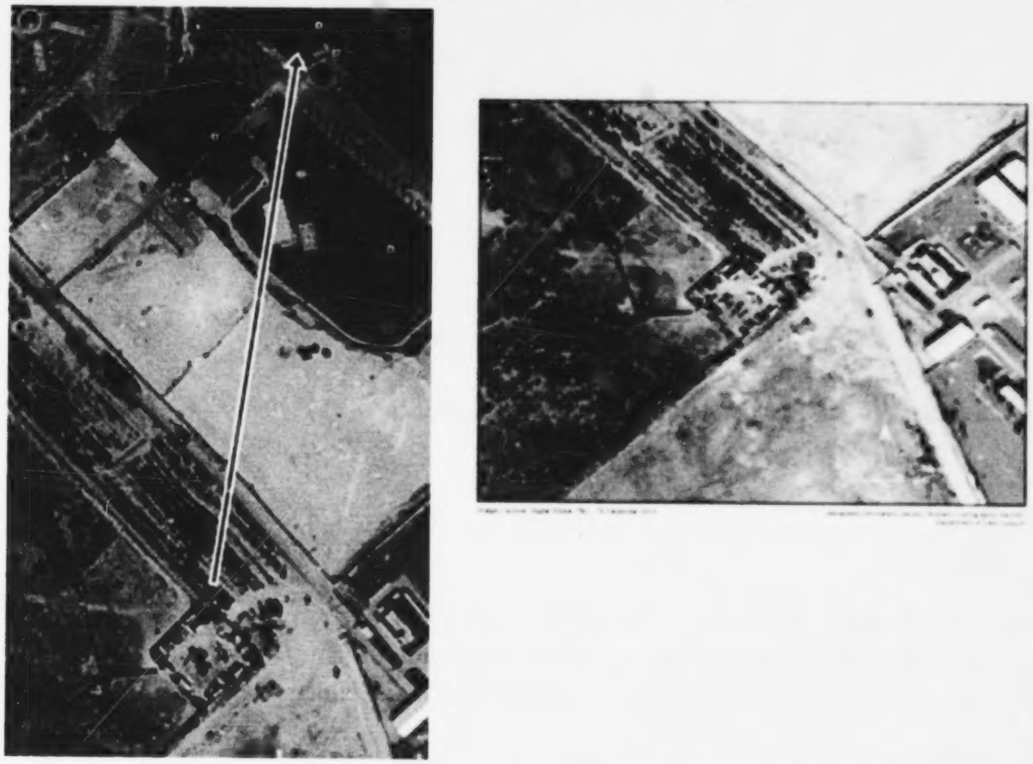
[4] http://www.libya-al-mostakbal.org/88/15451/البنيان-المرصوص-عثرنا-على-20-صاروخ-طيران-جنوب-سرت.html

Annex 14 Libyan Iron and Steel Company (LISCO) plant in Misrata (December 2016)

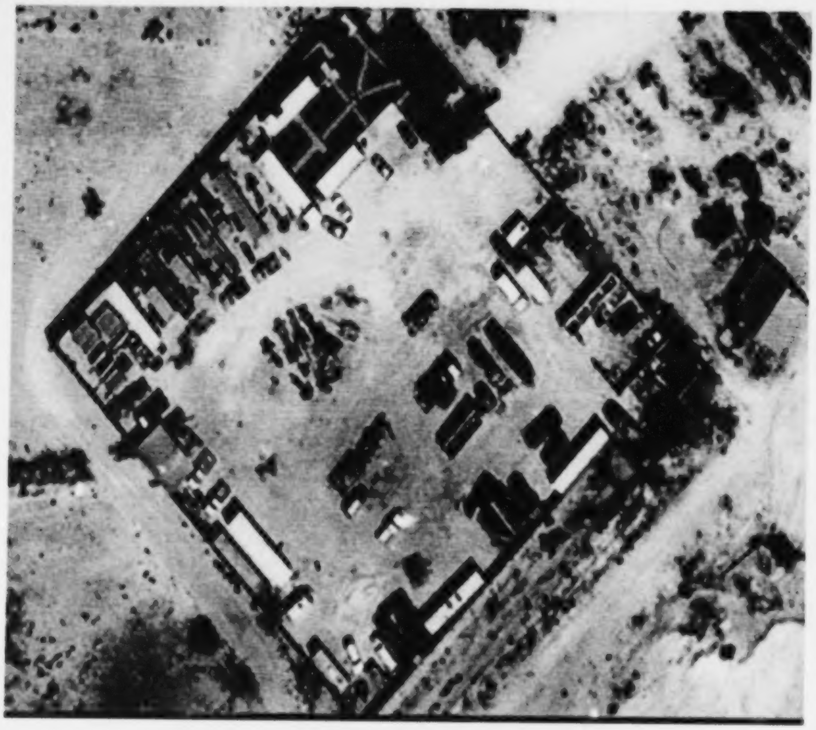
1. The plant is in close proximity of the company's port terminal. The imagery below shows a square "military zone", in which arms and ammunition are stored. It is also a gathering and starting point for the fighters joining armed groups in Benghazi.

Aerial view of the distance from the Military compound to the LISCO port



Source: Google Earth, unknown date (left) and Digital Globe, World View 3, 19 December 2016 (right)

LISCO plant



Source: Google Earth

2. According to several contacts in Misrata, the LISCO plant is a key hub for the military support provided to the BRSC.

3. The same sources report that one of the BRSC supply routes from Misrata to Benghazi originates from the Hun arms storage (Juffra region). The ammunition is transported by land from Hun to the LISCO plant in Misrata. The equipment is then stored in containers in the LISCO military compound.

4. From there, arms and ammunition are loaded onto a trawler or a fishing vessel at the LISCO port terminal. The trawlers sail to Benghazi, remaining most of the time inside territorial waters. Sometimes, while underway, shipments are loaded on a Misrata coast guard speedboat to continue the journey to Benghazi. Lately, many such speedboats have been intercepted by LNA airstrikes. On their way back to Misrata, the speedboats transport injured fighters.

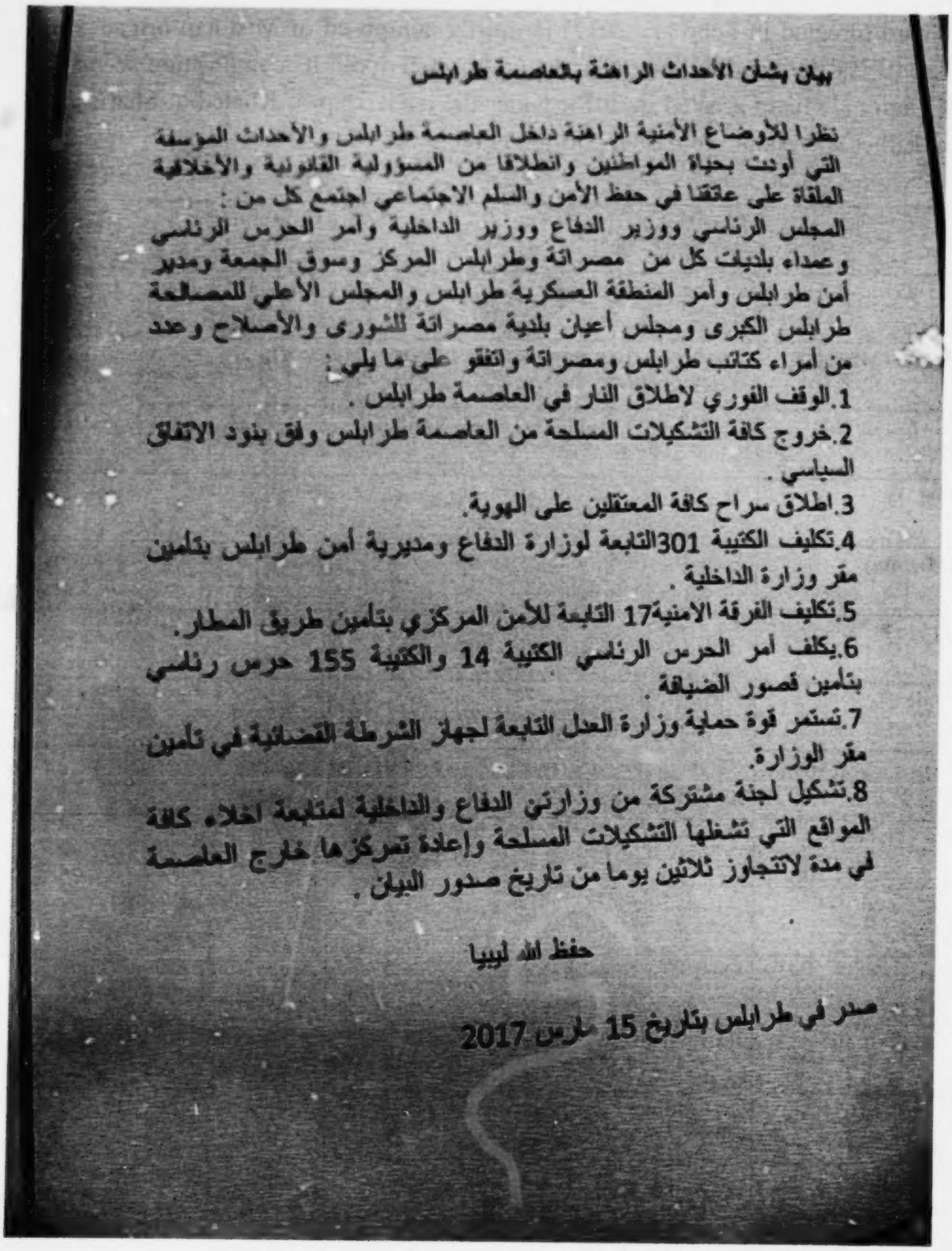
Annex 15 List of armed groups that supported Khalifa al-Ghweil

1. The National Guard (created in February 2017) is mostly composed of Misratan brigades. It also includes a number of Ex-LIFG and militant Islamist groups in Tripoli. Its composition seems to be different from the National Guard created in 2013, under the leadership of Khaled al-Sharif and deployed in al-Hadba. Either way, both groups support the NSG.

Armed Group	**Location**	**Commander**
Al-Ihsan Brigade (Ex-LIFG)	Ghabat al-Nasr	Tareq al-Gadban
Al-Marsa al-Kubra Brigade (Misrata)	Tripoli International Airport / Qasr Ben Ghashir	Salem al-Zufri
Mobile National Forces (Amazigh)	Janzur and Seraj (Previously Ghot al-Shaal and Seyahiya)	
Suhadaa Qaswara/ al-Haraka (Misrata)	Tripoli International Airport / Qasr Ben Ghashir	Salah Badi
Presidential Security (Misrata)	Tripoli International Airport/ (Previously al-Qusur)	Mohammad Salem Dimona
Usud al-Wadi (Misrata)		Hassan Said
Jamal al-Ghazawi Brigade	Old City Tripoli	
Salah al-Burki (Misrata)	Salaheddine (Previously Abu Selim)	
Brigade Bashir al-Baqra - (Islamist Militancy)	Tajura	Bashir al-Baqra
Abu Azam Brigade - 12th Security Unit - (Islamist Militancy)	Al-Madina al-Riyadiya	Abdallah al-Buseyfi
Baeyo Brigade (Misrata)	Qasr Ben Ghashir	Mohammad Baeyo (alias Sherikhan)
Ahmad al-Khoja Brigade (Tripoli)	Tariq al-Seqa	Ahmad al-Khoja
National Guard (Ex-LIFG)	Al-Hadba	Khaled al-Sharif
Libya Revolutionaries Operation Room – 11 Cie (Zawiya)		Ahmad Ben Naji

Source: Panel interviews with various sources from Tripoli

Annex 16 Tripoli agreement signed on 15 March 2017



بيان بشأن الأحداث الراهنة بالعاصمة طرابلس

نظرا للأوضاع الأمنية الراهنة داخل العاصمة طرابلس والأحداث المؤسفة التي أودت بحياة المواطنين وانطلاقا من المسؤولية القانونية والأخلاقية الملقاة على عاتقنا في حفظ الأمن والسلم الاجتماعي اجتمع كل من :

المجلس الرئاسي ووزير الدفاع ووزير الداخلية وأمر الحرس الرئاسي وعمداء بلديات كل من مصراتة وطرابلس المركز وسوق الجمعة ومدير أمن طرابلس وأمر المنطقة العسكرية طرابلس والمجلس الأعلى للمصالحة طرابلس الكبرى ومجلس أعيان بلدية مصراتة للشورى والأصلاح وعدد من أمراء كتائب طرابلس ومصراتة واتفقو على ما يلي :

1.الوقف الفوري لاطلاق النار في العاصمة طرابلس .

2.خروج كافة التشكيلات المسلحة من العاصمة طرابلس وفق بنود الاتفاق السياسي .

3.اطلاق سراح كافة المعتقلين على الهوية.

4.تكليف الكتيبة 301التابعة لوزارة الدفاع ومديرية أمن طرابلس بتأمين مقر وزارة الداخلية .

5.تكليف الفرقة الامنية17 التابعة للأمن المركزي بتأمين طريق المطار.

6.يكلف أمر الحرس الرئاسي الكتيبة 14 والكتيبة 155 حرس رئاسي بتأمين قصور الضيافة .

7.تستمر قوة حماية وزارة العدل التابعة لجهاز الشرطة القضائية في تأمين مقر الوزارة.

8.تشكيل لجنة مشتركة من وزارتي الدفاع والداخلية لمتابعة اخلاء كافة المواقع التي تشغلها التشكيلات المسلحة وإعادة تمركزها خارج العاصمة في مدة لاتتجاوز ثلاثين يوما من تاريخ صدور البيان .

حفظ الله ليبيا

صدر في طرابلس بتاريخ 15 مارس 2017

Source: Social Media

Annex 17 Links between armed groups, criminal groups and the Coast guard in Zawiya

1. Sources provided the Panel with a detailed description of the modus operandi of smuggling networks in Zawiya.

2. Competition over the control of the fuel smuggling business in Zawiya has deepened historic tribal divisions between Awlad Bu Hmeira and Awlad Saqr in Zawiya. Since 2012, the Nasr Brigade, under the command of Mohammad Koshlaf from the Awlad Bu Hmeira tribe, has been in control of the Zawiya refinery. Koshlaf's monopoly over the refinery has since been disputed by Awlad Saqr and the allied armed groups of Othman al-Lahab and al-Khadrawi.

3. In late 2014, the expansion of the migrant smuggling and human trafficking business in Zawiya further increased the competition. The commander of the al-Nasr brigade opened a detention centre in Zawiya. The Panel received information that the detention centre, commanded by a former army Colonel, Fathi al-Far, is used to 'sell' migrants to other smugglers. Meanwhile, Koshlaf also became active in migrant smuggling.

4. Since 2014, Koshlaf's network gained influence over the coast guard operations in Zawiya, notably through the officer Abd al-Rahman Milad (also from the Awlad Bu Hmeira tribe). In 2015, The Zawiya coast guard's patrol boat (see photograph below), operated by Abd al-Rahman Milad (alias al-Bija), was involved in intercepting migrants and transferring them to the al-Nasr detention centre. An armed group from Awlad Saqr, also involved in the migrant smuggling business, attempted to take over control of the boat in March 2016.

5. Repeated violent clashes in Zawiya in 2016 and 2017, between armed groups controlled by Ibrahim Hneish and Mohammad Koshlaf on one side and al-Khadrawi and al-Lahab on the other, show how strong the competition over the criminal business is.

6. According to several sources, competing groups have regularly targeted migrants under the custody of their rivals, provoking death and injury of several migrants.

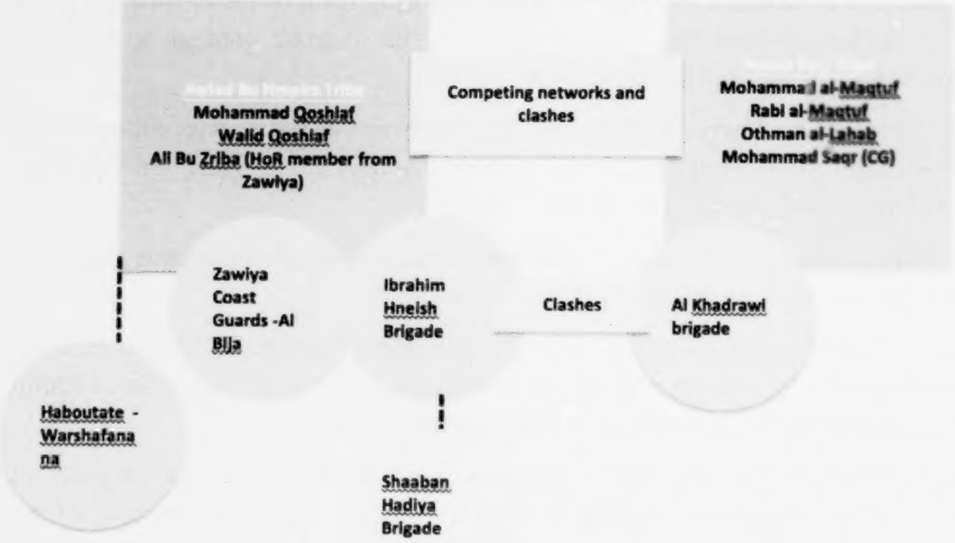
7. Shaaban Hadiya's armed group involvement in the smuggling business, if any, is unclear. However, a commander of Hadiya's group was seen by Panel's sources fighting alongside Ibrahim Hneish, which might indicate links between Shaaban Hadiya and the Koshlaf clan.

8. Koshlaf's al-Nasr brigade in Zawiya collaborates with the al-Haboutate brigade of Warshafana, in organizing the migrant smuggling. Reportedly, this has led to the opening of the coastal road between Zawiya and Tripoli over the last few weeks.

Coast guard's patrol boat in Zawiya. This is the only patrol boat of this size operating between Tripoli and the Tunisian border

Source: Confidential

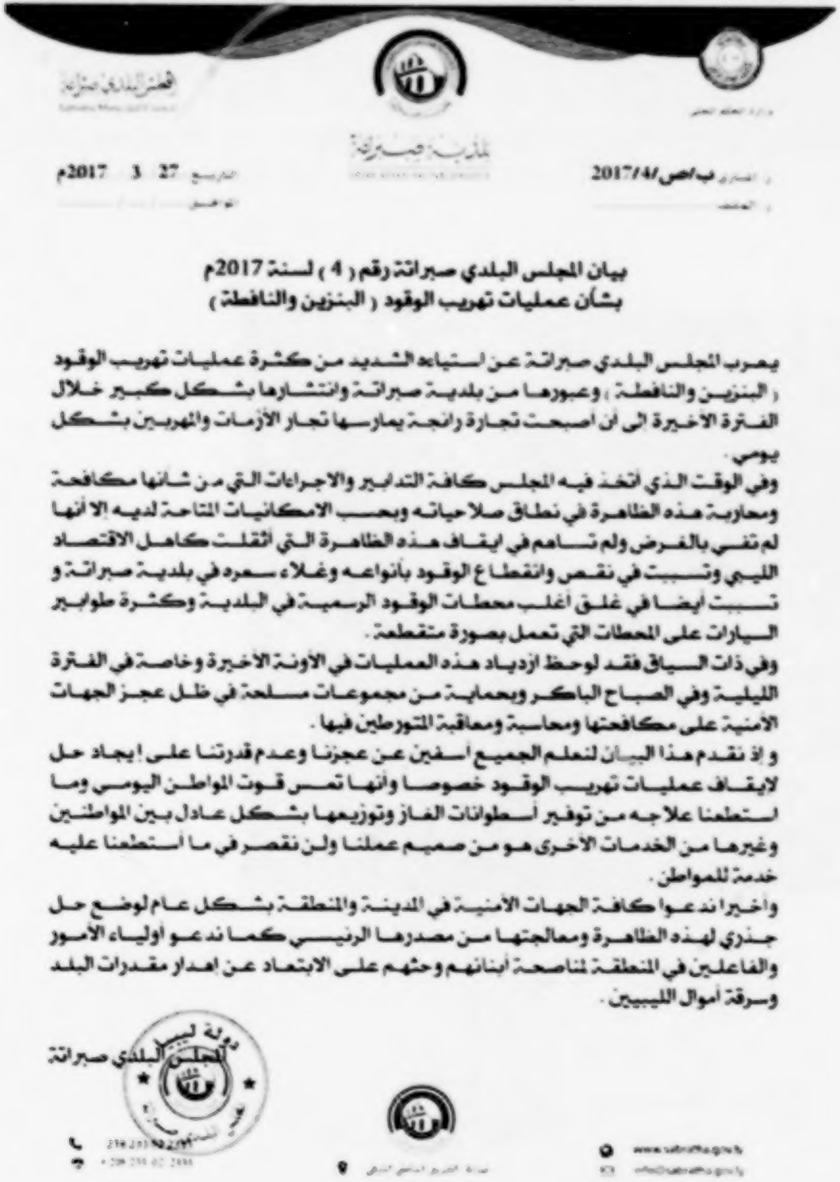
Links between armed groups, criminal networks and the coast guard in Zawiya


Awlad Bu Hmeira Tribe
Mohammad Qoshlaf
Walid Qoshlaf
Ali Bu Zriba (HoR member from Zawiya)
Competing networks and clashes
Mohammad al-Maqtuf
Rabi al-Maqtuf
Othman al-Lahab
Mohammad Saqr (CG)
Zawiya Coast Guards -Al Bija
Ibrahim Hneish Brigade
Clashes
Al Khadrawi brigade
Haboutate - Warshafana na
Shaaban Hadiya Brigade

Source: Panel of Experts interviews

Annex 18 Communiqué by Municipality of Sabratha issued on 27 March

The Sabratha Municipal Council denounces fuel smuggling networks and fuel shortages caused by the smuggling. It also denounces the lack of means at its disposal to deal with these networks.



ب اص/4/2017

التاريخ 27 3 2017م

بيان المجلس البلدي صبراتة رقم (4) لسنة 2017م
بشأن عمليات تهريب الوقود (البنزين والنافطة)

يعرب المجلس البلدي صبراتة عن استياءه الشديد من كثرة عمليات تهريب الوقود (البنزين والنافطة) وعبورها من بلدية صبراتة وانتشارها بشكل كبير خلال الفترة الأخيرة الى أن أصبحت تجارة رائجة يمارسها تجار الأزمات والمهربين بشكل يومي .

وفي الوقت الذي اتخذ فيه المجلس كافة التدابير والاجراءات التي من شأنها مكافحة ومحاربة هذه الظاهرة في نطاق صلاحياته وبحسب الامكانيات المتاحة لديه إلا أنها لم تفي بالغرض ولم تساهم في ايقاف هذه الظاهرة التي أثقلت كاهل الاقتصاد الليبي وتسببت في نقص وانقطاع الوقود بأنواعه وغلاء سعره في بلدية صبراتة و تسببت أيضا في غلق أغلب محطات الوقود الرسمية في البلدية وكثرة طوابير السيارات على المحطات التي تعمل بصورة متقطعة .

وفي ذات السياق فقد لوحظ ازدياد هذه العمليات في الأونة الأخيرة وخاصة في الفترة الليلية وفي الصباح الباكر وبحماية من مجموعات مسلحة في ظل عجز الجهات الأمنية على مكافحتها ومحاسبة ومعاقبة المتورطين فيها .

و إذ نقدم هذا البيان لنعلم الجميع أسفين عن عجزنا وعدم قدرتنا على إيجاد حل لايقاف عمليات تهريب الوقود خصوصا وأنها تمس قوت المواطن اليومي وما استطعنا علاجه من توفير أسطوانات الغاز وتوزيعها بشكل عادل بين المواطنين وغيرها من الخدمات الأخرى هو من صميم عملنا ولن نقصر في ما استطعنا عليه خدمة للمواطن .

واخيرا ندعوا كافة الجهات الأمنية في المدينة والمنطقة بشكل عام لوضع حل جذري لهذه الظاهرة ومعالجتها من مصدرها الرئيسي كما ندعو أولياء الأمور والفاعلين في المنطقة لمناصحة أبنائهم وحثهم على الابتعاد عن اهدار مقدرات البلد وسرقة أموال الليبيين .

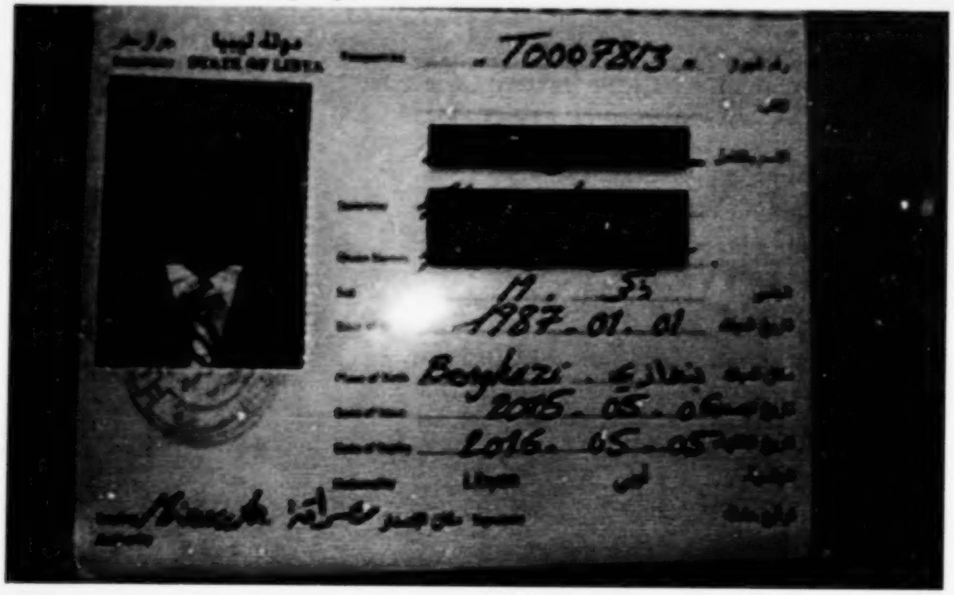
المجلس البلدي صبراتة

Source: Social Media

Annex 19 Illegally issued passports delivered in Misrata in May 2015

1. Civil Register Agency sources confirmed to the Panel that they do not have a Libyan national under the same name figuring in the passport below and born in Benghazi on 1 January 1987 in their register. They also confirmed that the passport was issued illegally in Misrata. The beneficiary of the passport (a Sudanese national) used this passport to travel to Turkey between May and September 2015. This is not an isolated incident. In January 2015, AAS Sirte had taken control of the Passport Administration in order to facilitate international travels of its foreign fighters. In Benghazi, AAS Benghazi had also taken control of the Passport Administration before they lost it to the LNA in 2015.

Photo of an illegally issued passport



دولة ليبيا
STATE OF LIBYA

T0007813

[redacted]

[redacted]

M ذكر

1987-01-01

Benghazi بنغازي

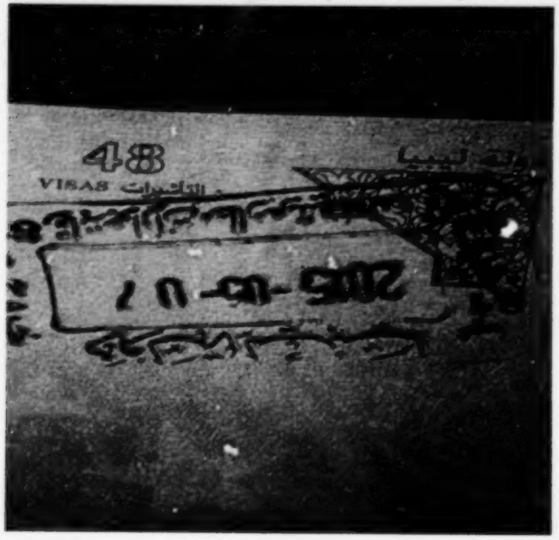
2015-05-0

2016-05-05

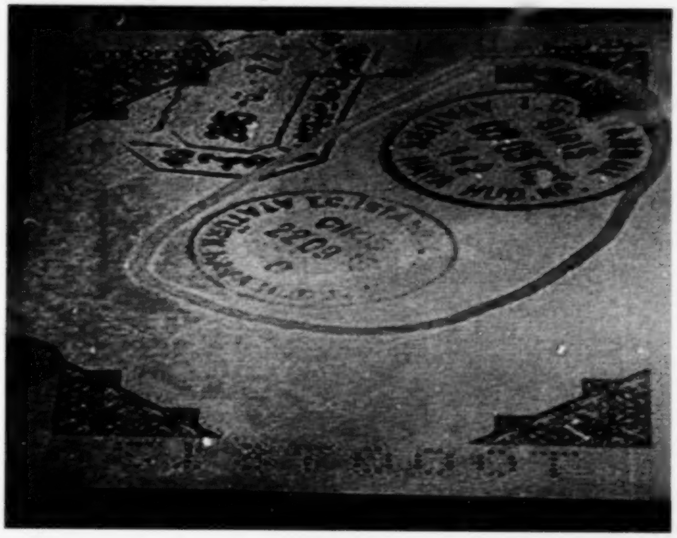
Libyan ليبي

Misrata مصراتة

Departure Stamp at Mitiga Airport on 7 May 2015

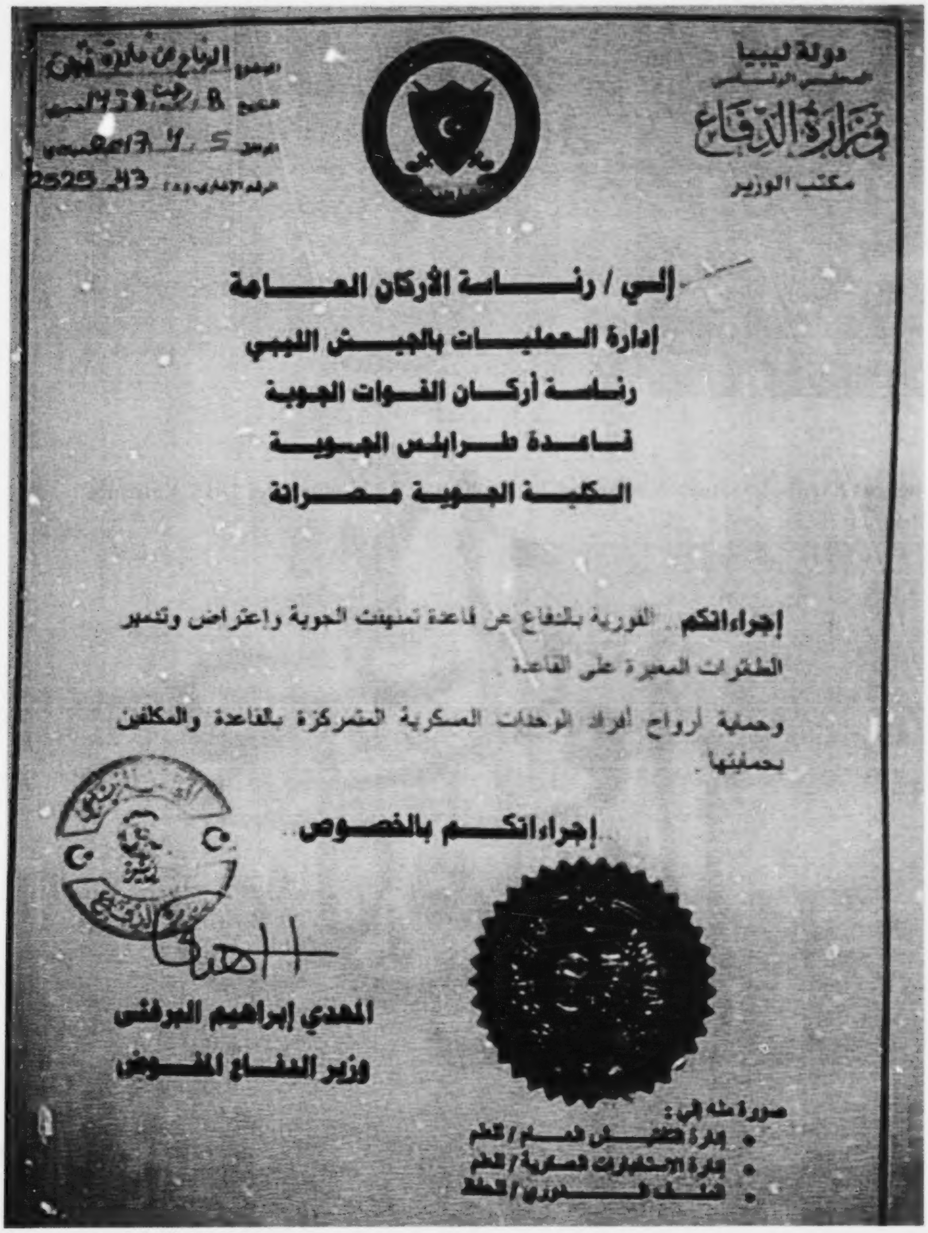


Arrival and departure stamps at Istanbul Ataturk Airport on 7 May 2015 and 22 September 2015. Entrance stamp in Mitiga on 22 September 2015



Source: Confidential

Annex 20 PC-affiliated Minister of Defense orders the Air Force to deter and destroy any warplane attacking Tamanhint Air Base, 6 April 2017



دولة ليبيا
المجلس الرئاسي
وزارة الدفاع
مكتب الوزير

الموضوع: [illegible]
الموافق: 8 / رجب / 1438 هـ
التاريخ: 5 / 4 / 2017 ميلادي
الرقم الإشاري: 2525 - 43

إلى / رئاسة الأركان العامة
إدارة العمليات بالجيش الليبي
رئاسة أركان القوات الجوية
قاعدة طرابلس الجوية
الكلية الجوية مصراتة

إجراءاتكم .. الفورية بالدفاع عن قاعدة تمنهنت الجوية واعتراض وتدمير الطائرات المغيرة على القاعدة .

وحماية أرواح أفراد الوحدات العسكرية المتمركزة بالقاعدة والمكلفين بحمايتها .

إجراءاتكم بالخصوص ..

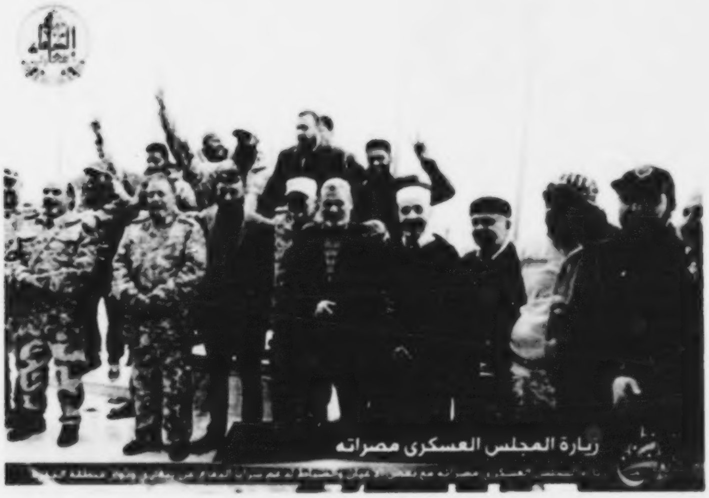
المهدي إبراهيم البرغثي
وزير الدفاع المفوض

صورة منه إلى:
- إدارة التفتيش العام / للعلم
- إدارة الاستخبارات العسكرية / للعلم
- الملف الدوري / للحفظ

Source: Social Media

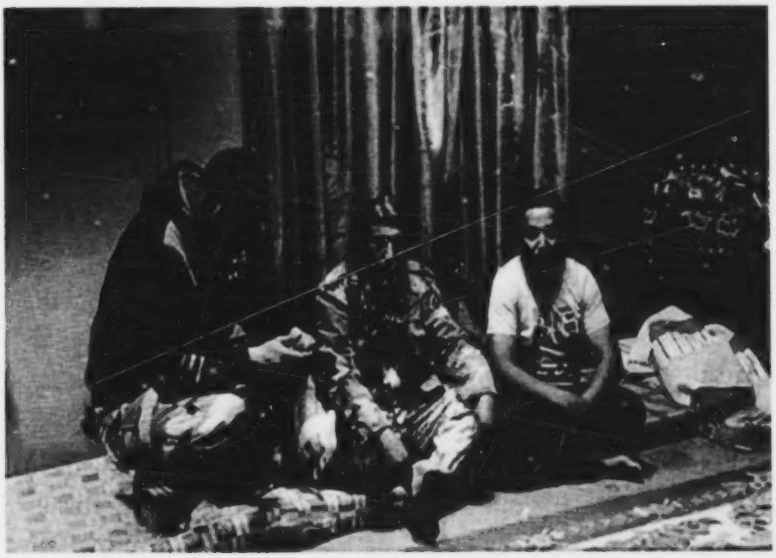
Annex 21 Third Force, BDB and the South Shield Coalition, links with the BRSC and listed organizations

Head of the Misrata Military Council Ibrahim Ben Rajab, accompanied by members of the Misrata Military Council and elements of the BDB in al-Jufra (unknown date).



Source: BDB Media Center

Ahmad al-Tajuri from the BDB, Ahmad al-Hasnawi commander of the South Shield and Ismail al-Sallabi from the BRSC in Tamanhint, in April 2017



Source: Social Media

Ahmad al-Hasnawi at Misrata Military Academy posing in front of an L-39 aircraft

Source: Social Media

Ahmad al-Hasnawi links with al-Qaida affiliated movements and ISIL

1. Ahmad al-Hasnawi is known for providing logistical support to Jihadist networks operating in the Sahel region, including AQIM (QDe.014), al-Mourabitoun and Ansar al-Dine (QDe.135), as confirmed by several sources, including amongst his allies in the south. The Panel also received reports of business links between al-Hasnawi and ISIL. During the BDB offensive against oil terminals in March 2017, the presence of al-Hasnawi in al-Nowfliya, where ISIL elements are still active according to the ministry of Defence sources in Tripoli, raises a number of questions concerning the extent of his relations with ISIL.

Potential links between the BDB, AAS Benghazi and ISIL elements in Sirte

2. In 2015, ISIL and the BRSC (including AAS Benghazi), had been fighting side by side in several locations in Benghazi, including al-Saberi and al-Qwarsha. By early 2016, the BRSC and ISIL in Benghazi stopped jointefforts. Both movements made their disagreements public. During the same period, a series of victories by the LNA forced many BRSC commanders, including Ismail al-Sallabi, Ziad Balam and Wissam Bin Hmeid to move to Misrata.

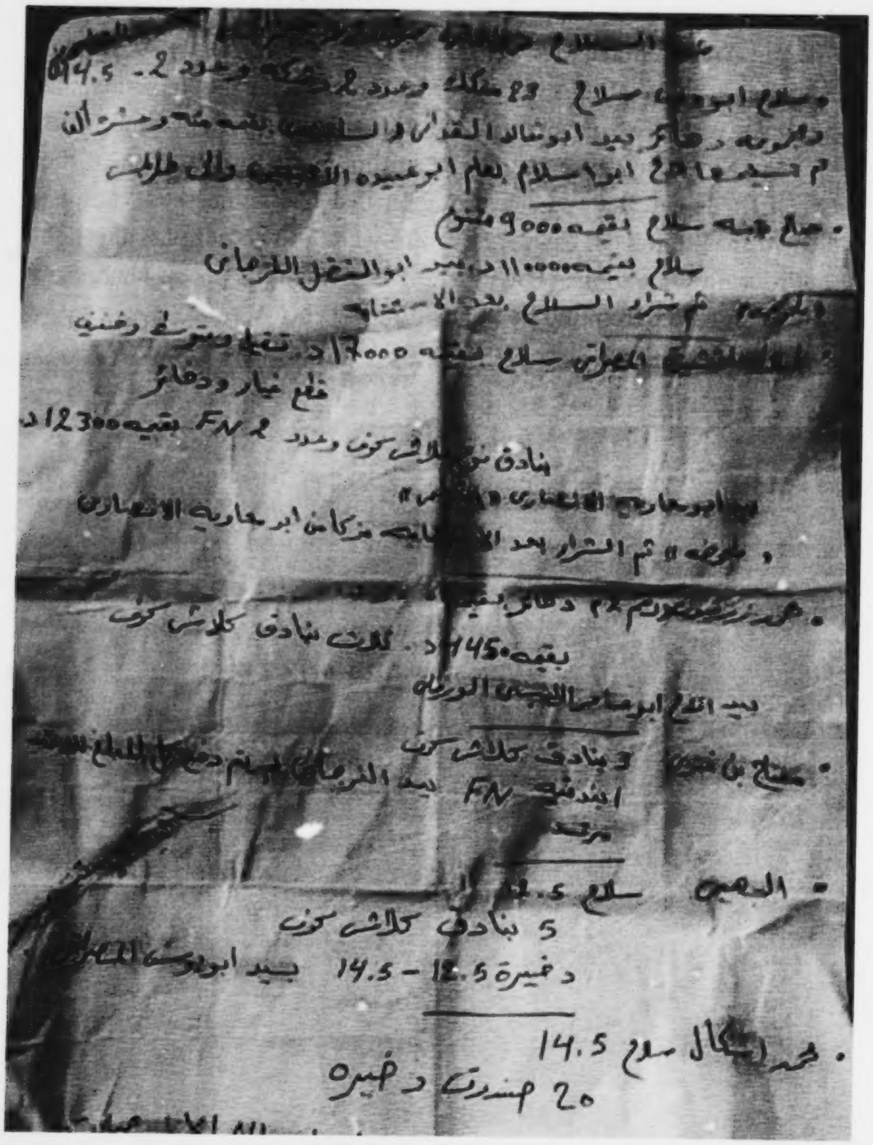
3. However, relations have continued between some BRSC commanders (who later founded the BDB) and some ISIL figures in Sirte. Several sources in Misrata indicated that Wissam Bin Hmeid tried to mediate for the safety of some of ISIL's leaders in Sirte in 2015, in spite of repeated attacks against Misrata-controlled checkpoints. The sense of a common cause, and in certain cases, family and tribal links, play a role in preserving those alliances. In May 2016, during preparations to launch

ABAM operation. Wissam Bin Hmeid was put under house arrest due to his suspected links with ISIL elements in Sirte.

4. Moreover, the launching of Operation ABAM has further divided Misrata, between those who are suspicious of BRSC commanders based in Misrata, and those who are 'ready to tolerate the BDB's undesirable links with ISIL and AAS Benghazi for the sake of the cause'. Military sources in Misrata emphasized that 'the leadership of the BDB has no links with listed organizations, but some commanders from Benghazi have links with AAS Benghazi'. During Operation ABAM, the BDB was not part of the attacking forces in Sirte. However, they were put in charge of guarding of the strategic al-Lud checkpoint between Bu Njeim and Wadan, a region that has witnessed extremist activity since 2015. Reports indicated that some ISIL leaders in Sirte were allowed to pass through this checkpoint, shortly before and during Operation ABAM. The BDB was also put in charge of protecting the southern flank of Misratan forces from the LNA position in Zela.

Annex 22 List of arms transfers from Libyans brokers to ISIL

Usama Jadhran, brother of Ibrahim Jadhran, sold weapons to Abu Usama al-Tunsi, an ISIL figurehead in Sirte, for an amount of 130,000 LYD



[illegible] السلاح [illegible]

[illegible] وعدد 2 - 14.5

• سلاح ابو[illegible] سلاح 23 [illegible] وعدد 2 [illegible]

وذخيرته و[illegible] بيد ابوخالد القذافي والسلاح بقيمة مئة وعشرة ألف

ثم تسليمها [illegible] ابو سلام بعلم ابوعبيده [illegible] والي طرابلس

• [illegible] سلاح بقيمة 9000 [illegible]

سلاح بقيمة 110000 د بيد ابوالفضل الزرهاني

• [illegible] ثم شراء السلاح بعد الاستتابة

• [illegible] سلاح بقيمة 17000 د. ثقيلة ومتوسطة وخفيفة

قطع غيار وذخائر

بنادق نوع كلاش كوف وعدد 2 FN بقيمة 12300 د

[illegible] ابومعاوية الانصاري « [illegible] »

• [illegible] « ثم الشراء بعد الاستتابة [illegible] من ابو معاوية الانصاري

• [illegible] 2 ذخائر بقيمة [illegible]

بقيمة 1450 د. ثلاث بنادق كلاش كوف

بيد الاخ ابو[illegible] الورفلي

• [illegible] بن [illegible] 3 بنادق كلاش كوف [illegible]

ابندقية FN بيد الزرهاني [illegible]

[illegible]

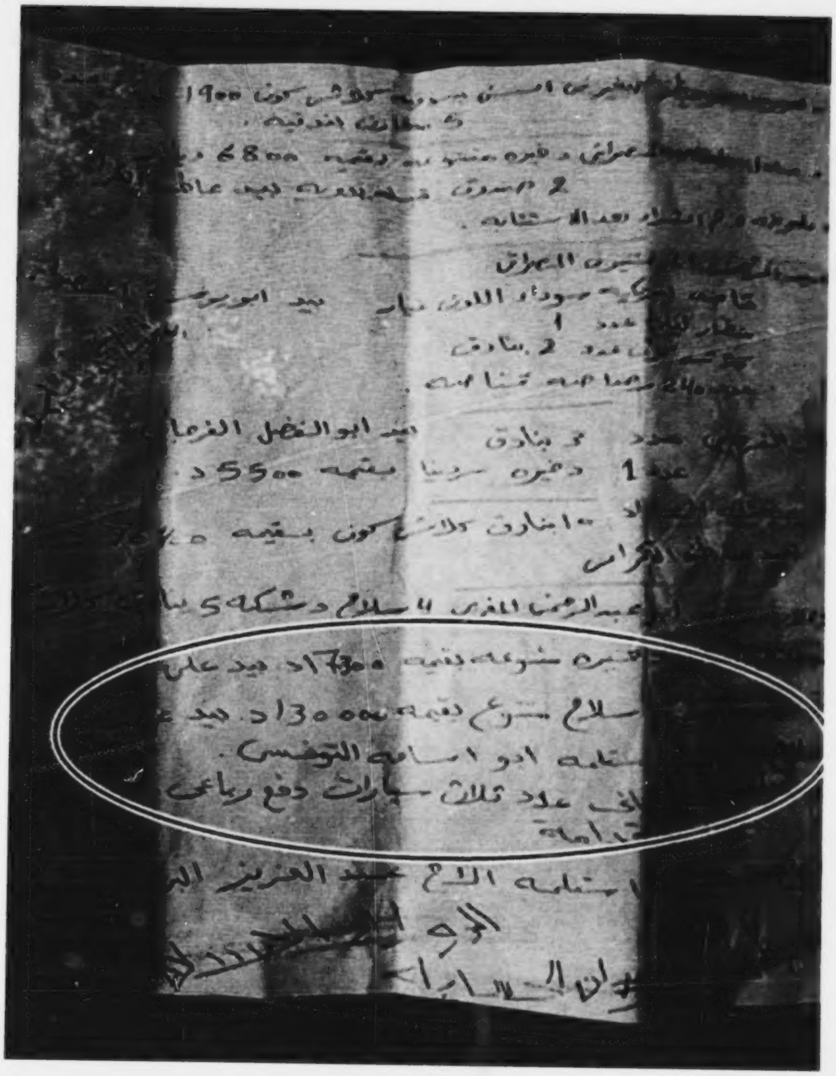
• [illegible] سلاح 14.5 [illegible]

5 بنادق كلاش كوف

ذخيرة 12.5 - 14.5 بيد ابو[illegible]

• محمد [illegible] سلاح 14.5

20 صندوق ذخيرة



[illegible] كلاشن كوف 1900 [illegible]

3 مخازن اضافية .

[illegible] العراقي و ذخيره [illegible] بقيمه 6800 د [illegible]

2 صندوق [illegible] بيد عاطف [illegible]

[illegible] تم الشراء بعد الاستتابه .

[illegible] العراق

قاذف [illegible] سوداء اللون [illegible] بيد ابو [illegible]

[illegible] عدد 1

[illegible] عدد 2 بنادق

240 [illegible] .

[illegible] عدد 3 بنادق بيد ابو الفضل [illegible]

عدد 1 ذخيره [illegible] بقيمه 5500 د .

[illegible] 10 بنادق كلاشن كوف بقيمه [illegible]

[illegible]

[illegible] عبد الرحمن المغربي 4 سلاح دوشكة 5 [illegible]

[illegible] ذخيره شرعيه بقيمه 17300 د بيد علي

سلاح [illegible] بقيمه 130000 د. بيد [illegible]

[illegible] استلمه ابو اسامه التونسي .

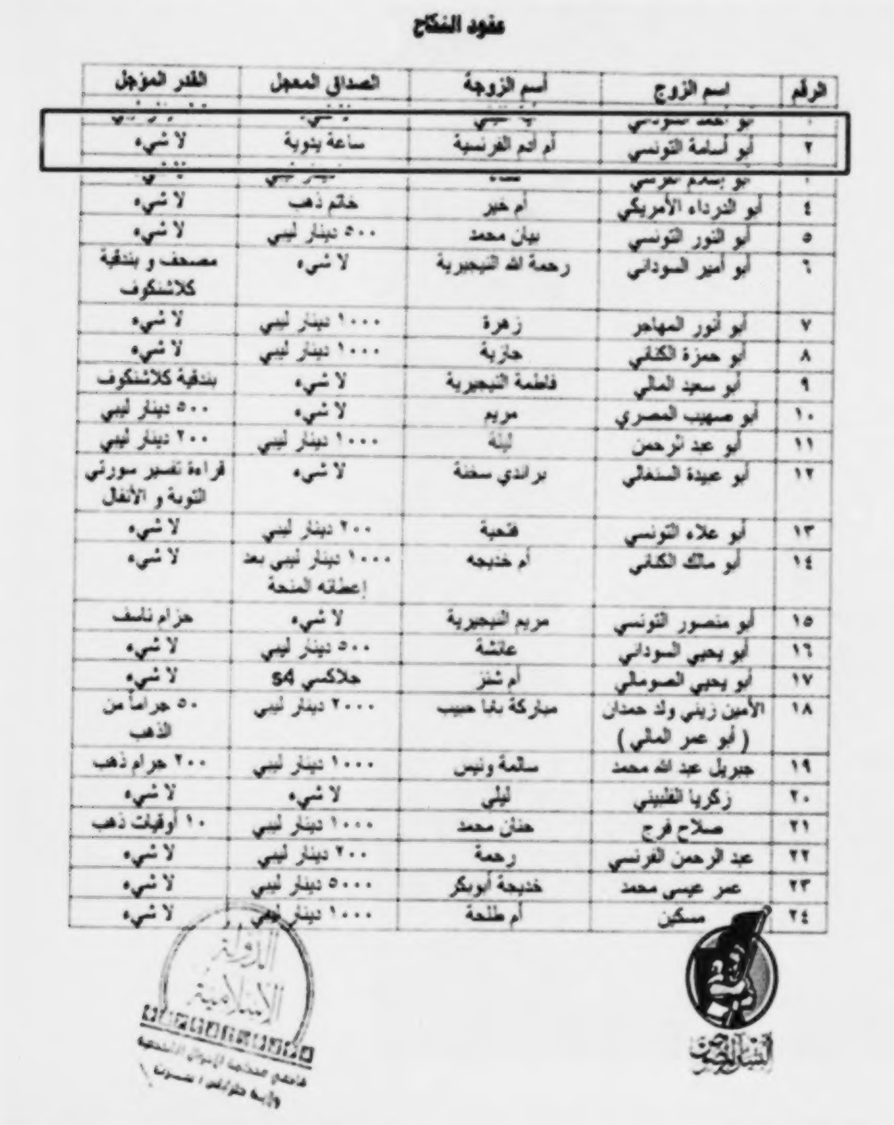
[illegible] عدد ثلاث سيارات دفع رباعي

[illegible]

[illegible] استلمه الاخ عبد العزيز [illegible]

Source: Confidential

A list of marriage contracts of ISIL showing the name of Usama al-Tunsi again



عقود النكاح

الرقم	اسم الزوج	أسم الزوجة	الصداق المعجل	القدر المؤجل
١	[illegible]	[illegible]	[illegible]	[illegible]
٢	أبو أسامة التونسي	أم آدم الفرنسية	ساعة يدوية	لا شيء
٣	[illegible]	[illegible]	[illegible]	[illegible]
٤	أبو الدرداء الأمريكي	أم خير	خاتم ذهب	لا شيء
٥	أبو النور التونسي	بيان محمد	٥٠٠ دينار ليبي	لا شيء
٦	أبو أمير السوداني	رحمة الله النيجيرية	لا شيء	مصحف و بندقية كلاشنكوف
٧	أبو أنور المهاجر	زهرة	١٠٠٠ دينار ليبي	لا شيء
٨	أبو حمزة الكناني	حازية	١٠٠٠ دينار ليبي	لا شيء
٩	أبو سعيد المالي	فاطمة النيجيرية	لا شيء	بندقية كلاشنكوف
١٠	أبو صهيب المصري	مريم	لا شيء	٥٠٠ دينار ليبي
١١	أبو عبد الرحمن	ليلة	١٠٠٠ دينار ليبي	٢٠٠ دينار ليبي
١٢	أبو عبيدة السنغالي	براندي سخنة	لا شيء	قراءة تفسير سورتي التوبة و الأنفال
١٣	أبو علاء التونسي	فتحية	٢٠٠ دينار ليبي	لا شيء
١٤	أبو مالك الكناني	أم خديجه	١٠٠٠ دينار ليبي بعد إعطائه المنحة	لا شيء
١٥	أبو منصور التونسي	مريم النيجيرية	لا شيء	حزام ناسف
١٦	أبو يحيى السوداني	عائشة	٥٠٠ دينار ليبي	لا شيء
١٧	أبو يحيى الصومالي	أم شنز	جلاكسي S4	لا شيء
١٨	الأمين زيني ولد حمدان (أبو عمر المالي)	مباركة بابا حبيب	٢٠٠٠ دينار ليبي	٥٠ جراماً من الذهب
١٩	جبريل عبد الله محمد	سالمة ونيس	١٠٠٠ دينار ليبي	٢٠٠ جرام ذهب
٢٠	زكريا الفلبيني	ليلى	لا شيء	لا شيء
٢١	صلاح فرج	حنان محمد	١٠٠٠ دينار ليبي	١٠ أوقيات ذهب
٢٢	عبد الرحمن الفرنسي	رحمة	٢٠٠ دينار ليبي	لا شيء
٢٣	عمر عيسى محمد	خديجة أبوبكر	٥٠٠٠ دينار ليبي	لا شيء
٢٤	مسكين	أم طلحة	١٠٠٠ دينار ليبي	لا شيء

Source: Confidential

Annex 23 Presence of foreign armed groups in Libya since 2013

Sudanese Groups

Sudanese Liberation Army/ Minni Minawi (SLA/MM)

1. The deployment of Sudanese armed groups, with the approval of their hierarchy, started in March 2015, notably with the presence of SLA/MM in Ubari, al-Waw and al-Wig areas. At first, SLA/MM fighters joined Tebu-led brigades in the South of Libya, and in later phases in Benghazi. By March 2016, they had gained autonomy and played a key role in the capture and protection of oil installations by the LNA.

2. In early 2017 according to internal sources, some SLA/MM field commanders decided to withdraw from Libya due to insufficient levels of remuneration and fears of political repercussions. In fact, they blamed the movement's leaders for 'keeping the money for themselves'. A field commander interviewed by the Panel in February 2017 confirmed that mid-ranking commanders and the rank and file had been looking to go back to Sudan. He added that he himself was waiting to gather enough fuel and money to leave Libya.

Sudanese Liberation Army/ Al-Nur and and Ex-JEM commanders

3. In addition to SLA/MM forces, SLA/Al-Nur is engaged in Libya, alongside the LNA. According to sources within the movement, they had 1,500 fighters in Libya by mid-2016. They had been approached by Arab intermediaries to facilitate their contacts with the LNA.

4. Ex-JEM commanders have also joined the Libyan armed conflicts. Abdallah Jana is such an Ex-JEM commander. He entered Libya with 13 vehicles in 2016, but increased his assets to 70 vehicles by February 2017. He is reported to visit Sudan every two to three months to recruit new fighters.

5. Abdallah Banda, an Ex-JEM commander and Justice and Liberation Movement's deputy chief, is familiar with Libya's former regime networks. According to Justice and Liberation Movement (JLM) sources, he facilitated contacts between Libyan and Darfuri armed group commanders. He regularly moves between Libya and Darfur.

Justice and Equality Movement

6. JEM officials interviewed in 2016 confirmed that the JEM had been approached by several Libyan parties, including Islamist figures and the LNA, but they denied any actual involvement in Libya. However, interviews with JEM and Ex-JEM officials revealed that there was at least one attempt to join Libya from South Sudan, in late 2015. Yehya Omda, Artillery Chief of Staff of the movement, was able to leave South Sudan and deployed along the Chadian-Libyan border. Ex-JEM sources also reported that Omda is recruiting amongst Sudanese refugees in the region of Um Nabaq in Chad.

Chadian groups

Le Front pour l'alternance et la concorde au Tchad (FACT)

7. The FACT was founded in April 2016 by Mahamat Nuri and Mahdi Ali Mahamat. The two men broke ties and Mahdi is now heading the movement and coordinating its activities in Libya. The presence of Chadian groups in the Fezzan dates back to late 2014. They were unable to operate on the Chadian side of the Libyan-Chadian border and were hosted in Sabha by the Third Force on the condition of ceasing their military actions against the Chadian regime, according to Third Force sources. However, the security developments in Libya and the spread of fighting to Sirte, Sabha, al-Jufra and Braq al-Shate' led to FACT's recruitment by Misrata-allied forces. They are deployed at the al-Hjara al Sawda base in al-Jufra and in Sabha. According to FACT sources, they had 700 fighters deployed in Libya by the end of 2016. However, other sources mentioned a force composed of 1,000 to 1,500 fighters.

Conseil de Commandement Militaire Pour le Salut de la Republique (CCMSR)

8. Created in July 2016 by former UFDD spokesperson, Mahamat Hassan Boulemaye, the CCMSR has split from the FACT. On 14 April 2016, a CCMSR base in Doualki, near Sabha, was bombed by LNA forces resulting in six dead. This was confirmed by Boulemaye who blamed President Deby for the attack.

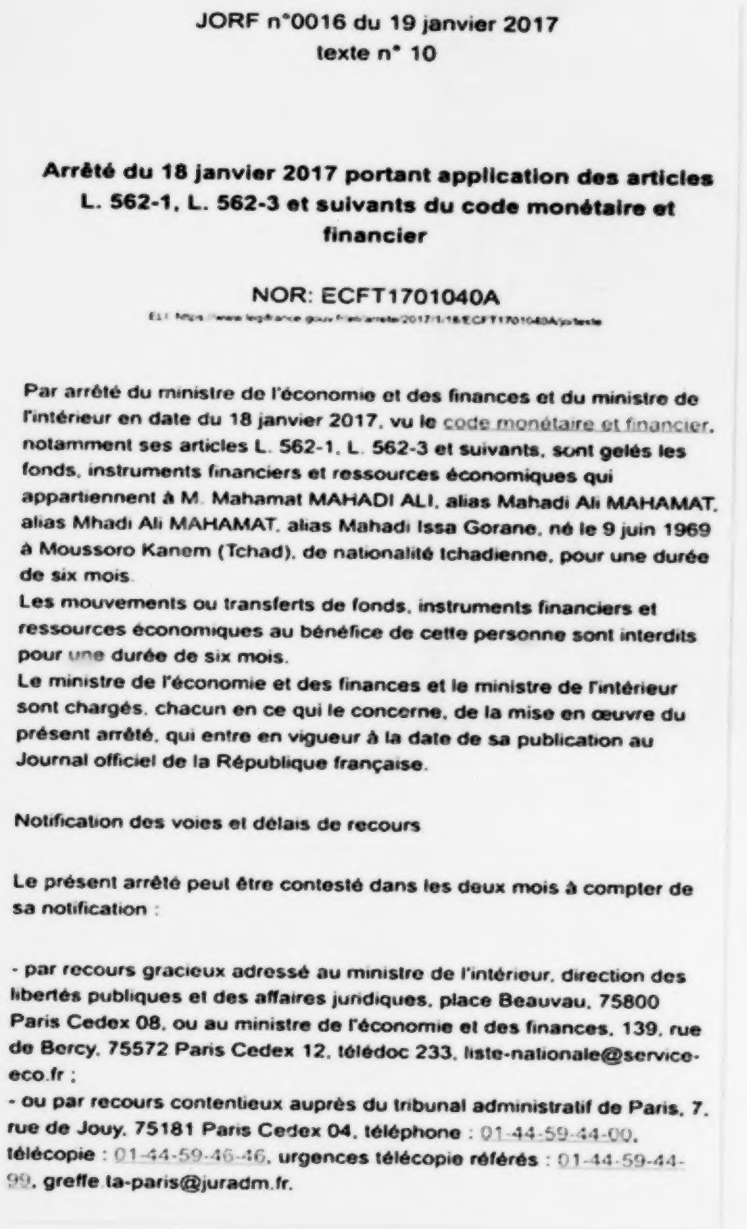
Rassemblement des forces democratiques (RFC)

9. The group had started operating in the southeast of Libya by the end of 2015. It was allegedly involved in attacks against convoys of drug traffickers. Allegedly, it was deployed in the Oil Crescent, alongside the LNA. The Panel could not reach out to sources within the movement. Two of the checkpoints (between Rebiana and Sabha) run by the group were allegedly attacked by ISIL cells early 2016.

Mahdi Ali Mahamat visiting the FACT base in Sabha in October 2016

Source: Confidential

French decrees of January 2017 imposing financial sanctions against Mahamat Nuri and Mahdi Ali Mahamat



JORF n°0016 du 19 janvier 2017
texte n° 10

Arrêté du 18 janvier 2017 portant application des articles L. 562-1, L. 562-3 et suivants du code monétaire et financier

NOR: ECFT1701040A

ELI: https://www.legifrance.gouv.fr/eli/arrete/2017/1/18/ECFT1701040A/jo/texte

Par arrêté du ministre de l'économie et des finances et du ministre de l'intérieur en date du 18 janvier 2017, vu le code monétaire et financier, notamment ses articles L. 562-1, L. 562-3 et suivants, sont gelés les fonds, instruments financiers et ressources économiques qui appartiennent à M. Mahamat MAHADI ALI, alias Mahadi Ali MAHAMAT, alias Mhadi Ali MAHAMAT, alias Mahadi Issa Gorane, né le 9 juin 1969 à Moussoro Kanem (Tchad), de nationalité tchadienne, pour une durée de six mois.

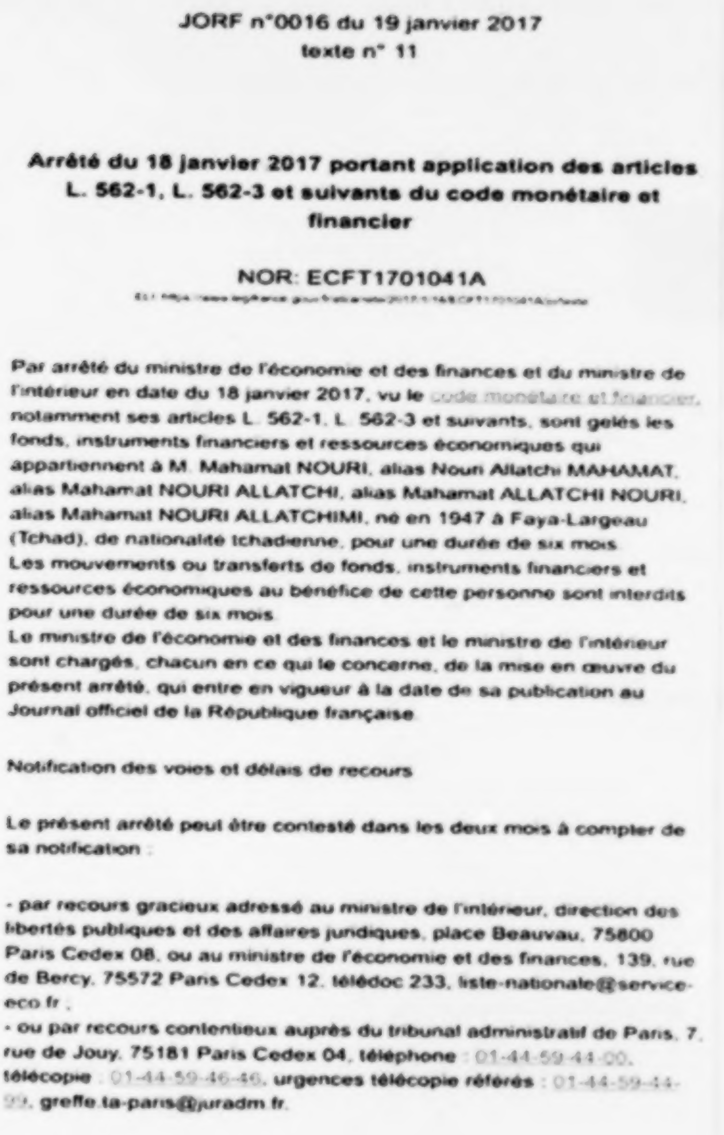
Les mouvements ou transferts de fonds, instruments financiers et ressources économiques au bénéfice de cette personne sont interdits pour une durée de six mois.

Le ministre de l'économie et des finances et le ministre de l'intérieur sont chargés, chacun en ce qui le concerne, de la mise en œuvre du présent arrêté, qui entre en vigueur à la date de sa publication au Journal officiel de la République française.

Notification des voies et délais de recours

Le présent arrêté peut être contesté dans les deux mois à compter de sa notification :

- par recours gracieux adressé au ministre de l'intérieur, direction des libertés publiques et des affaires juridiques, place Beauvau, 75800 Paris Cedex 08, ou au ministre de l'économie et des finances, 139, rue de Bercy, 75572 Paris Cedex 12, télédoc 233, liste-nationale@service-eco.fr ;
- ou par recours contentieux auprès du tribunal administratif de Paris, 7, rue de Jouy, 75181 Paris Cedex 04, téléphone : 01-44-59-44-00, télécopie : 01-44-59-46-46, urgences télécopie référés : 01-44-59-44-99, greffe.ta-paris@juradm.fr.



JORF n°0016 du 19 janvier 2017
texte n° 11

Arrêté du 18 janvier 2017 portant application des articles L. 562-1, L. 562-3 et suivants du code monétaire et financier

NOR: ECFT1701041A

[illegible]

Par arrêté du ministre de l'économie et des finances et du ministre de l'intérieur en date du 18 janvier 2017, vu le code monétaire et financier, notamment ses articles L. 562-1, L. 562-3 et suivants, sont gelés les fonds, instruments financiers et ressources économiques qui appartiennent à M. Mahamat NOURI, alias Nouri Allatchi MAHAMAT, alias Mahamat NOURI ALLATCHI, alias Mahamat ALLATCHI NOURI, alias Mahamat NOURI ALLATCHIMI, né en 1947 à Faya-Largeau (Tchad), de nationalité tchadienne, pour une durée de six mois.
Les mouvements ou transferts de fonds, instruments financiers et ressources économiques au bénéfice de cette personne sont interdits pour une durée de six mois.
Le ministre de l'économie et des finances et le ministre de l'intérieur sont chargés, chacun en ce qui le concerne, de la mise en œuvre du présent arrêté, qui entre en vigueur à la date de sa publication au Journal officiel de la République française.

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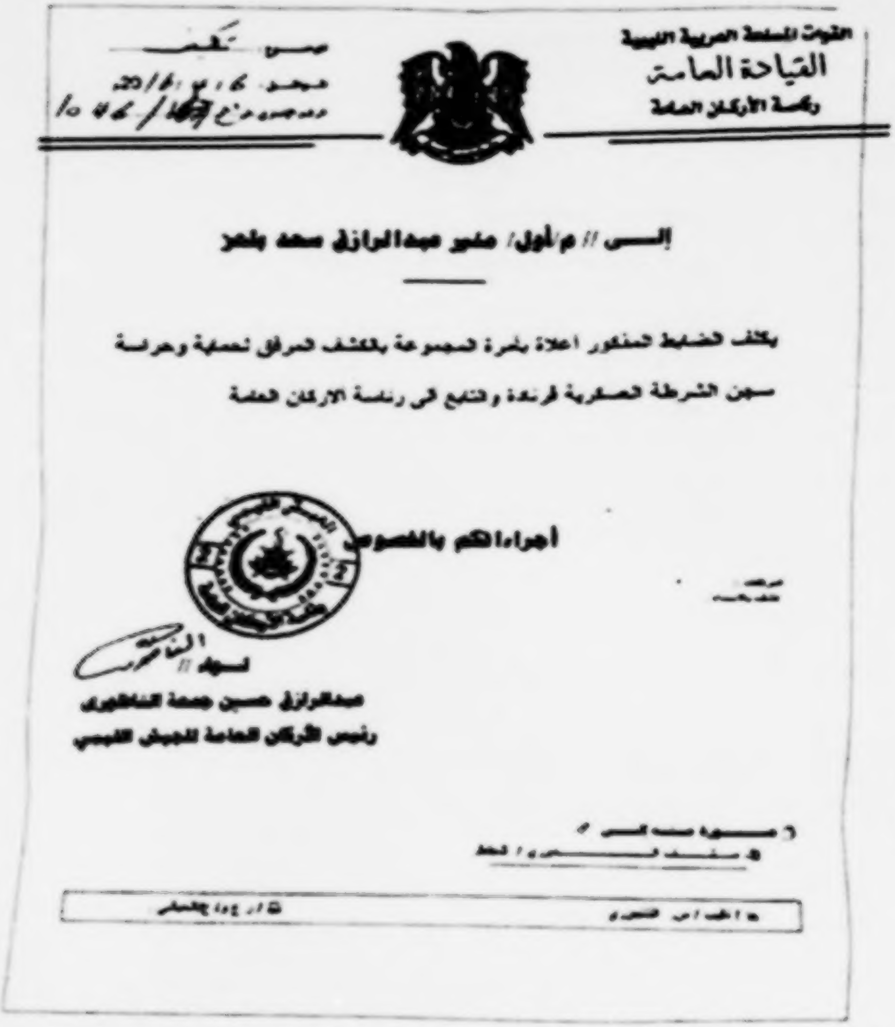
Source: Legifrance.gouv.fr

Annex 24 Letters of appointment issued by Abd al-Razak al-Nadhuri

Letter of appointment by Abd al-Razzak al-Nadhuri for Munir Bulaz to secure Gernada prison



القوات المسلحة العربية الليبية
القيادة العامة
رئاسة الأركان العامة

إلـــى // م/أول/ منير عبدالرازق سعد بلعز

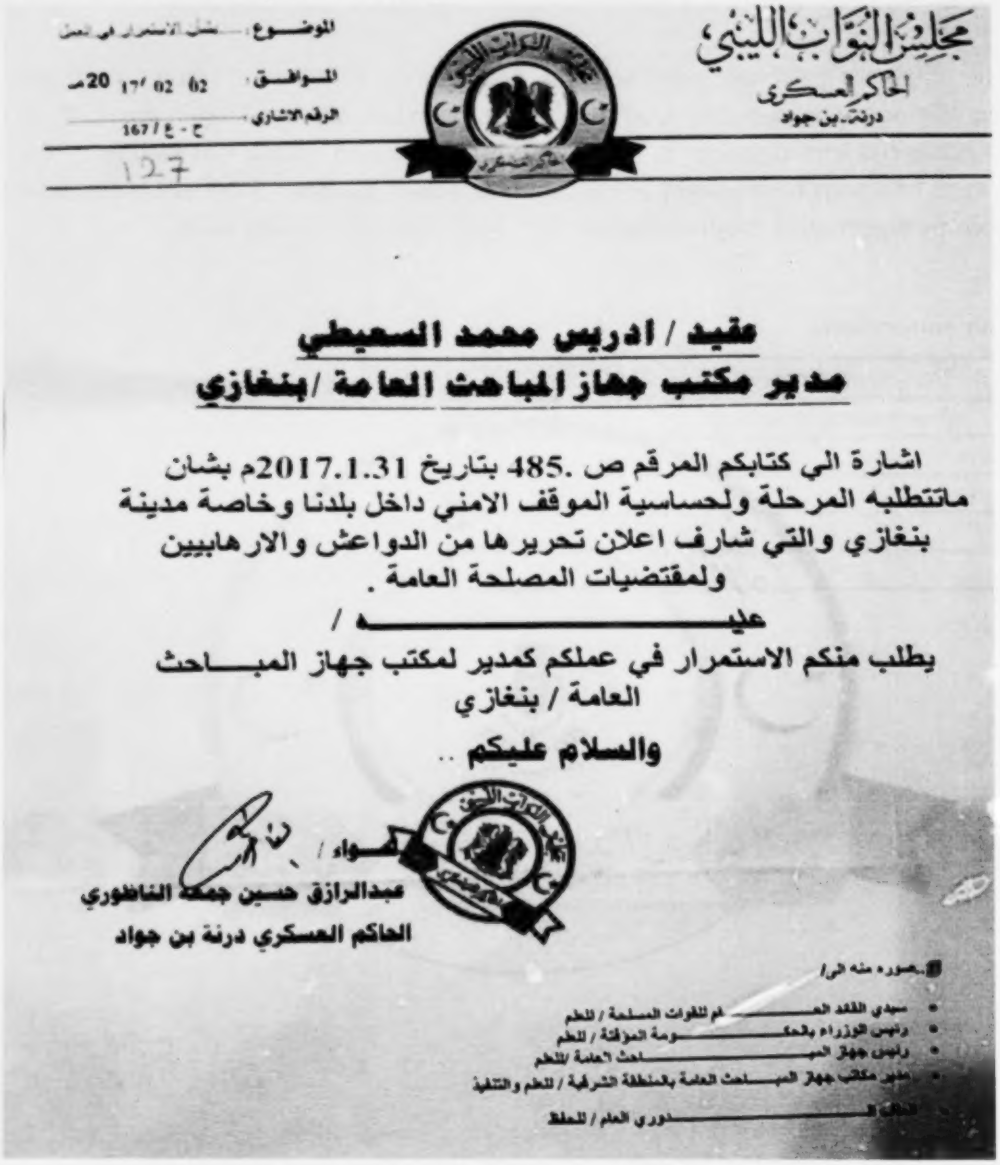
يكلف الضابط المذكور أعلاه بإمرة المجموعة بالكشف المرفق لحماية وحراسة سجن الشرطة العسكرية قرنادة والتابع إلى رئاسة الأركان العامة

أجراءاتكم بالخصوص

الناظوري
لــواء //
عبدالرازق حسين جمعة الناظوري
رئيس الأركان العامة للجيش الليبي

Source: Confidential

Letter by Abd al-Razzak al-Nadhuri extending the mandate of Colonel Idriss al-Seati as the head of the General Investigations Department in Benghazi



مجلس النواب الليبي
الحاكم العسكري
درنة - بن جواد

الموضوع: بشأن الاستمرار في العمل
الموافق: 02 02 17 20م
الرقم الاشاري: ح - ع / 167
127

عقيد / ادريس محمد السعيطي
مدير مكتب جهاز المباحث العامة /بنغازي

اشارة الي كتابكم المرقم ص .485 بتاريخ 2017.1.31م بشان ماتتطلبه المرحلة ولحساسية الموقف الامني داخل بلدنا وخاصة مدينة بنغازي والتي شارف اعلان تحريرها من الدواعش والارهابيين ولمقتضيات المصلحة العامة .

عليـــــــــــــه /
يطلب منكم الاستمرار في عملكم كمدير لمكتب جهاز المبـــاحث العامة / بنغازي

والسلام عليكم ..

لـــواء /
عبدالرازق حسين جمعة الناظوري
الحاكم العسكري درنة بن جواد

صورة منه الى/
- سيدي القائد العـــــام للقوات المسلحة / للعلم
- رئيس الوزراء بالحكـــــومة المؤقتة / للعلم
- رئيس جهاز المبـــــاحث العامة /للعلم
- مدير مكاتب جهاز المبـــاحث العامة بالمنطقة الشرقية / للعلم والتنفيذ

الملف الـــــدوري العام / للحفظ

Source: social media

Annex 25 The list of al-Hadba prison supervisors involved in torture and other abuses against prisoners

1. Some of the al-Hadba personnel were selected from among relatives of victims from the Abu Selim prison massacre, committed by Qadhafi's security services and resulting in the death of more than 1,200 prisoners. Armed groups in Libya have often recruited relatives of victims of the former regime, some of whom have sought vengeance. The prison manager Saleh al-Deaiki, who was seen in a video footage beating Saadi al-Qadhafi, is a former prisoner of Abu Selim.

List of al-Hadba supervisors

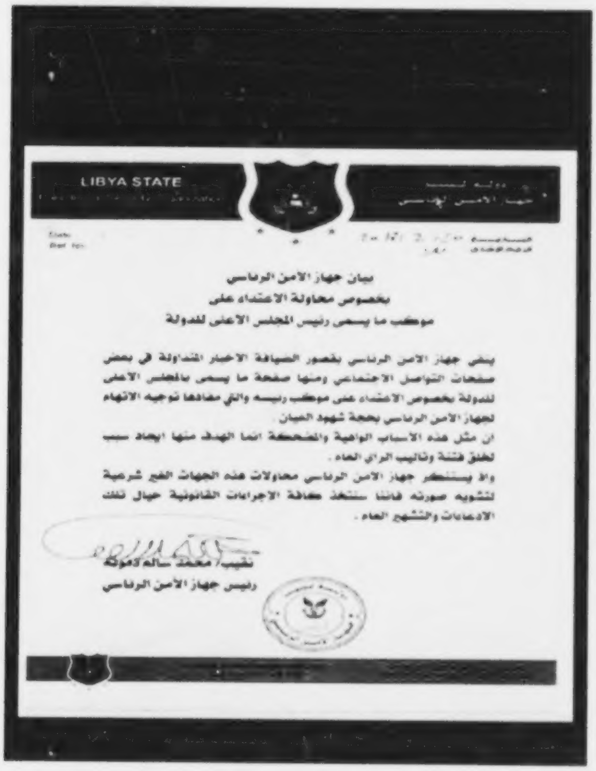
Saleh al-Deaiki – Prison supervisor
Abd al-Basset Abd al-Salam Ben Naji
Khaled al-Tamzini
Walid al-Qamudi
Najmi al-Rheibi
Ali Mashlit

Annex 26 Presidential Security

1. The 'Presidential Security' is run by the Dimona clan (Mohammad, Bassem and Ali Dimona). It has been involved in attacks against individuals and commercial entities, including banks, in Hay al-Andalus in Tripoli in March 2017. The clan has also been involved in several kidnappings, as reported by former detainees interviewed by the Panel. Until recently, the 'Presidential Security' was in control of the al-Felah Department to Counter Illegal Migration (DCIM) centre, which was also used as an informal detention centre for Libyans. The Dimona clan also organised other informal detention facilities, including at Tripoli International Airport, to where it retreated following its ousting from al-Felah and al-Qusur areas in March 2017.

2. A document signed by Sergeant Mohammad Salem Dimona, in charge of the 'Presidential Security', denying his responsibility in attacking the HSC. However, according to several sources, Dimona's group was indeed responsible for the attack.

Communiqué by the Presidential Security denying its responsibility in the attack against the HSC president on 20 February 2017



LIBYA STATE

دولة ليبيا
جهاز الأمن الرئاسي

بيان جهاز الأمن الرئاسي
بخصوص محاولة الاعتداء على
موكب ما يسمى رئيس المجلس الأعلى للدولة

ينفي جهاز الأمن الرئاسي بخصوص الصياغة الأخبار المتداولة في بعض صفحات التواصل الاجتماعي ومنها صفحة ما يسمى بالمجلس الأعلى للدولة بخصوص الاعتداء على موكب رئيسه والتي مفادها توجيه الاتهام لجهاز الأمن الرئاسي بحجة شهود العيان .

ان مثل هذه الأسباب الواهية والمضحكة انما الهدف منها ايجاد سبب لخلق فتنة وتأليب الرأي العام .

ولا يستنكر جهاز الأمن الرئاسي محاولات هذه الجهات الغير شرعية لتشويه صورته فاننا سنتخذ كافة الإجراءات القانونية حيال تلك الادعاءات والتشهير العام .

نقيب / محمد سالم دمونة
رئيس جهاز الأمن الرئاسي

Source: Social Media

Annex 27 Tripoli Revolutionaries Brigade

The case of Mohammad Imheisen (March 2016)

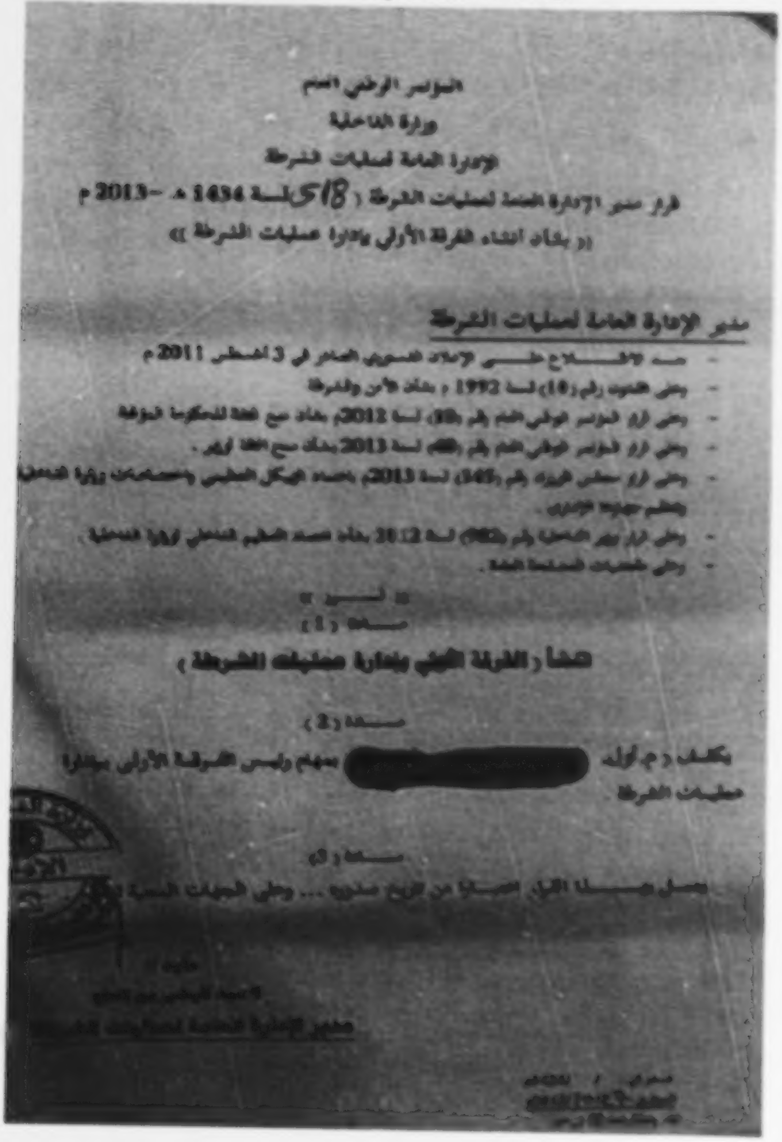
1. Misratan journalist Mohammad Imheisen was kidnapped at a checkpoint where al-Tajuri was present, in central Tripoli on 30 March 2016. Imheisen was detained and tortured in a prison in Mitiga, controlled by al-Tajuri, before being transferred to another prison under the control of Abd al-Ghani al-Kikli. Al-Tajuri and al-Kikli were reported to be present during at least one of the torture sessions.

The case of Jamal Zubia, former NSG Media Office Director (August-December 2016)

2. Jamal Zubia was kidnapped during a rally on 29 July 2016 held on Martyrs' Square in Tripoli. He was first kidnapped by a group affiliated with the ASB of Abd al-Ghani al-Kikli, before being handed over to Haytham al-Tajuri personally. Zubia and other detainees were later transferred to a detention facility in Mitiga base, under the control of al-Tajuri. On 9 October 2016, following the ousting of Haytham al-Tajuri from Mitiga, Zubia was transferred to a detention center under the nominal control of the Diplomatic Police. Zubia reported scenes of torture in that detention facility. He was finally released in December 2016, as a result of tribal mediation.

Annex 28 Official documents on the establishment and mandates of the First Security Division (*al-Ferqa al-Amniya al-Oula*), under the command of Haytham al-Tajuri

Decree to establish the First Security Division in 2013.



المؤتمر الوطني العام
وزارة الداخلية
الإدارة العامة لعمليات الشرطة
قرار مدير الإدارة العامة لعمليات الشرطة (518) لسنة 1434 هـ -2013 م
« بشأن انشاء الفرقة الأولى بإدارة عمليات الشرطة »

مدير الإدارة العامة لعمليات الشرطة

- بعد الاطلاع على الإعلان الدستوري الصادر في 3 أغسطس 2011 م
- وعلى القانون رقم (10) لسنة 1992 م بشأن الأمن والشرطة
- وعلى قرار المؤتمر الوطني العام رقم ([illegible]) لسنة 2012م بشأن منح الثقة للحكومة المؤقتة
- وعلى قرار المؤتمر الوطني العام رقم ([illegible]) لسنة 2013 بشأن منح الثقة لوزير .
- وعلى قرار مجلس الوزراء رقم (145) لسنة 2013م باعتماد الهيكل التنظيمي واختصاصات وزارة الداخلية وتنظيم جهازها الإداري .
- وعلى قرار وزير الداخلية رقم ([illegible]) لسنة 2012 بشأن اعتماد التنظيم الداخلي لوزارة الداخلية .
- وعلى مقتضيات المصلحة العامة .

« قــــرر »
مــــادة (1)
تنشأ (الفرقة الأمنية بإدارة عمليات الشرطة)

مــــادة (2)
يكلف (م. أول [redacted]) بمهام رئيس الفرقة الأولى بإدارة عمليات الشرطة

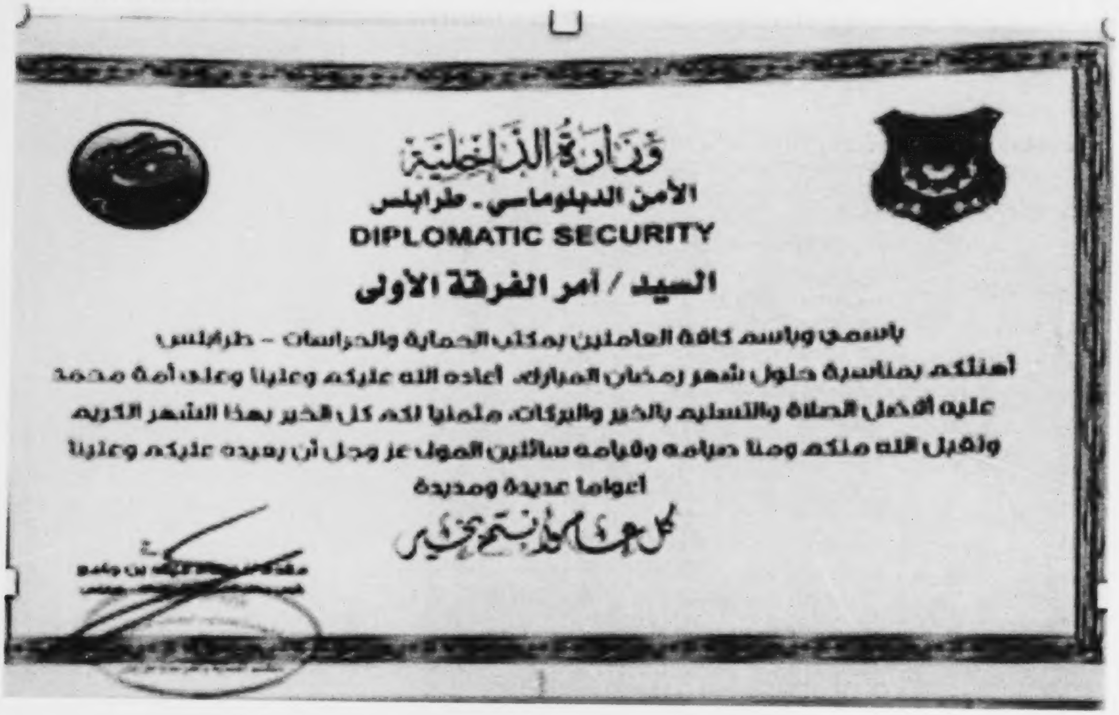
مــــادة (3)
يعمل بهذا القرار اعتباراً من تاريخ صدوره ... وعلى الجهات المعنية

مدير الإدارة العامة لعمليات الشرطة

Source: social media

1. The First Security Division under al-Tajuri is in charge of providing security for diplomatic representations established in or visiting Tripoli. It has much more resources at its disposal than the 'normal' diplomatic police forces.

Letter of introduction signed by the Commander of the Diplomatic Police and addressed to the Commander of the First Division.



وزارة الداخلية
الأمن الدبلوماسي - طرابلس
DIPLOMATIC SECURITY

السيد / آمر الفرقة الأولى

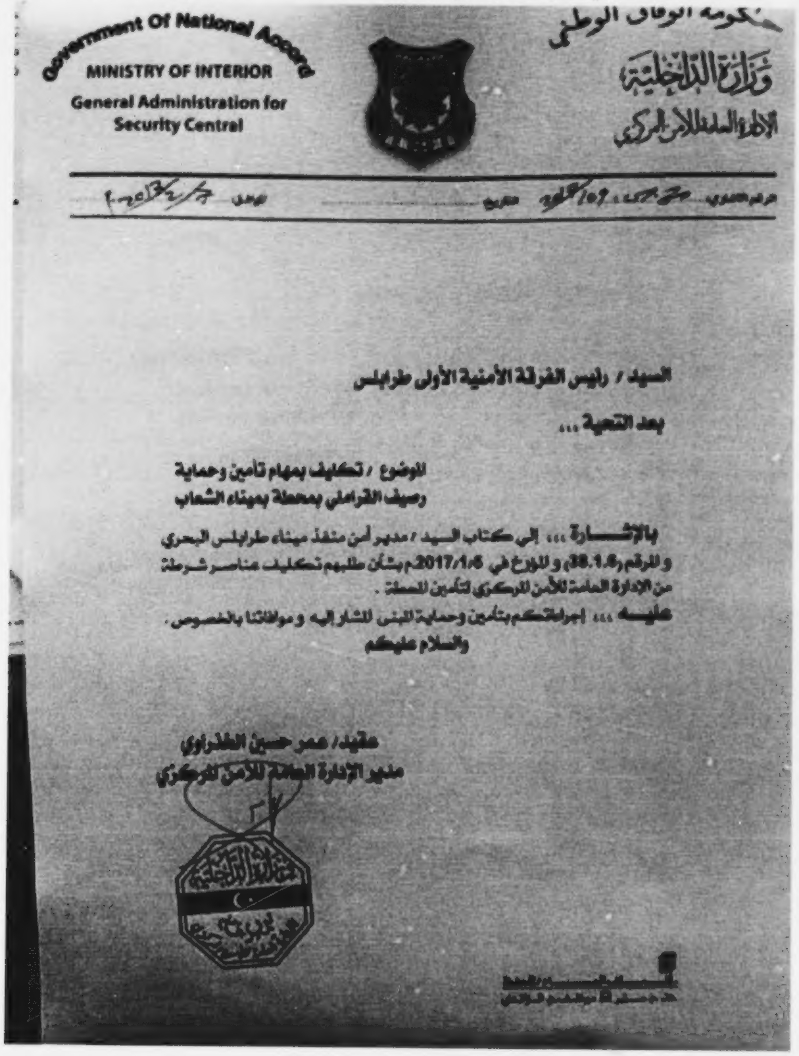
باسمي وباسم كافة العاملين بمكتب الحماية والدراسات - طرابلس
أهنئكم بمناسبة حلول شهر رمضان المبارك، أعاده الله عليكم وعلينا وعلى أمة محمد
عليه أفضل الصلاة والتسليم بالخير والبركات، متمنيا لكم كل الخير بهذا الشهر الكريم
وتقبل الله منكم ومنا صيامه وقيامه سائلين المولى عز وجل أن يعيده عليكم وعلينا
أعواما عديدة ومديدة

وكل عام وأنتم بخير

[illegible]

Source: social media

Letter by the Director of the Central Security Administration, Omar al-Khadrawi, mandating the First Security Division to protect the port of Tripoli on 7 February 2017, in spite of al-Tajuri's involvement in currency exchange schemes and related illegal or fake importations



Government Of National Accord
MINISTRY OF INTERIOR
General Administration for
Security Central

حكومة الوفاق الوطني
وزارة الداخلية
الإدارة العامة للأمن المركزي

الرقم الإشاري [illegible] 109/[illegible] التاريخ .... الموافق 7/2/2017م

السيد / رئيس الفرقة الأمنية الأولى طرابلس

بعد التحية ،،،

الموضوع / تكليف بمهام تأمين وحماية
رصيف القراملي بمحطة بميناء الشعاب

بالإشـــارة ،،، إلى كتاب السيد / مدير أمن منفذ ميناء طرابلس البحري والرقم 38.1.6م والمؤرخ في 2017/1/6م بشأن طلبهم تكليف عناصر شرطة من الإدارة العامة للأمن المركزي لتأمين المحطة .

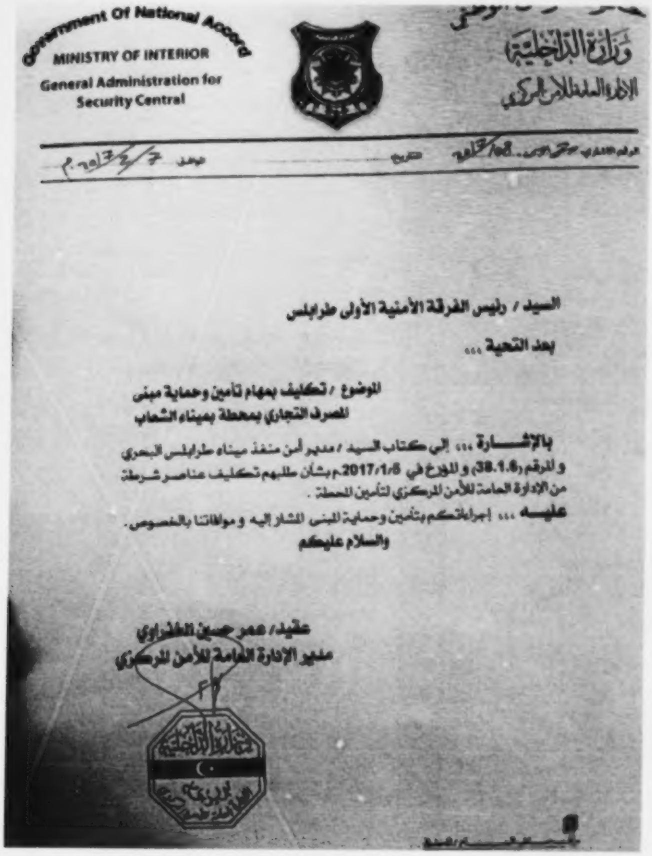
عليـــه ،،، إجراءاتكم بتأمين وحماية المبنى المشار إليه وموافاتنا بالخصوص .

والسلام عليكم

عقيد / عمر حسين الخضراوي
مدير الإدارة العامة للأمن المركزي

Source: social media

Letter dated 7 February 2017 by the Director of the Central Security Administration, Omar al-Khadrawi, mandating the First Security Division to protect the Commercial Bank branch of Tripoli port. This mandate is issued in spite of the involvement of al-Tajuri in attacks against bank employees in order to obtain authorizations for letters of credits



Government Of National Accord
MINISTRY OF INTERIOR
General Administration for
Security Central

وزارة الداخلية
الإدارة العامة للأمن المركزي

الرقم الإشاري [illegible] 2017/108 التاريخ الموافق 7/2/2017م

السيد / رئيس الفرقة الأمنية الأولى طرابلس

بعد التحية ...

الموضوع / تكليف بمهام تأمين وحماية مبنى
المصرف التجاري بمحطة بميناء الشعاب

بالإشـــارة ... إلى كتاب السيد / مدير أمن منفذ ميناء طرابلس البحري و المرقم (38.1.6) و المؤرخ في 2017/1/6م بشأن طلبهم تكليف عناصر شرطة من الإدارة العامة للأمن المركزي لتأمين المحطة .

عليـــه ... إجراءاتكم بتأمين وحماية المبنى المشار إليه و موافاتنا بالخصوص.

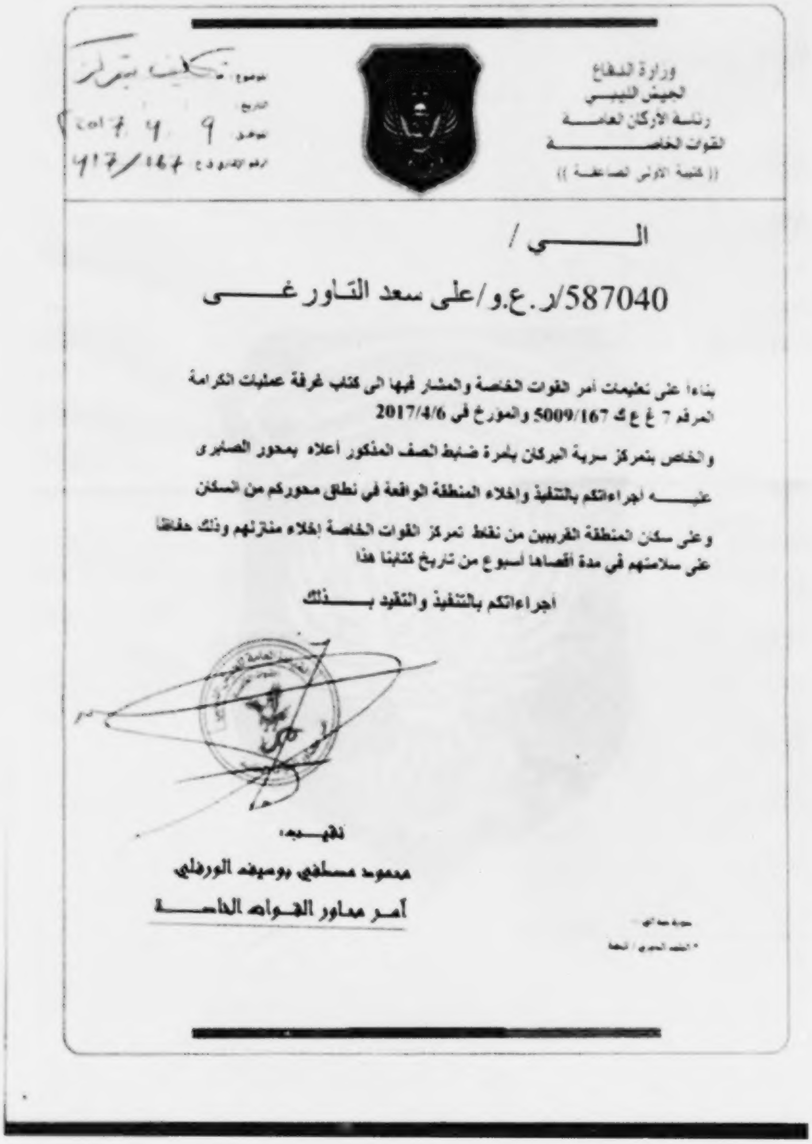
والسلام عليكم

عقيد/ عمر حسين الخضراوي
مدير الإدارة العامة للأمن المركزي

Source: Social media

Annex 29 Fronts Commander of the Special Forces

Military order signed by Mahmud al-Warfalli on 9 April 2017, after the LNA had reported to the Panel in a meeting on 24 March that he had been imprisoned



وزارة الدفاع
الجيش الليبــي
رئاسـة الأركان العامـــة
القوات الخاصـــــــة
((الكتيبة الأولى الصاعقـة))

الموضوع: تكليف بتمركز
التاريخ:
الموافق: 9 4 2017
رقم الإشاري: 917/167

إلــــــــي /

587040/ر.ع.و/على سعد التـاور غــــــى

بناءا على تعليمات آمر القوات الخاصة والمشار فيها الى كتاب غرفة عمليات الكرامة المرقم 7 غ ع ك 5009/167 والمورخ في 2017/4/6

والخاص بتمركز سرية البركان بامرة ضابط الصف المذكور أعلاه بمحور الصابري

عليــــه اجراءاتكم بالتنفيذ واخلاء المنطقة الواقعة في نطاق محوركم من السكان

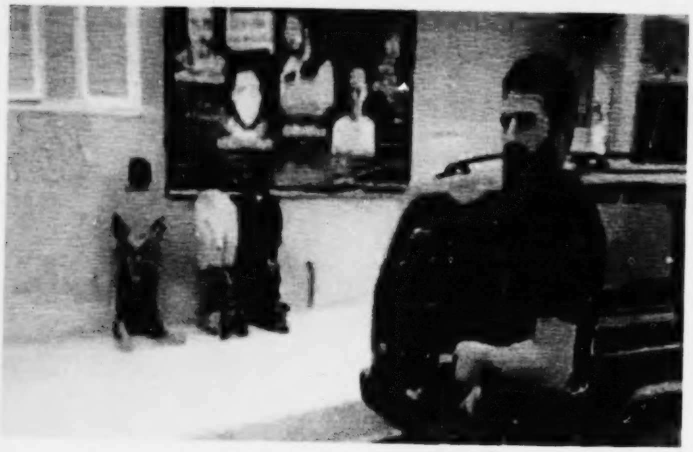
وعلى سكان المنطقة القريبين من نقاط تمركز القوات الخاصة إخلاء منازلهم وذلك حفاظا على سلامتهم في مدة اقصاها أسبوع من تاريخ كتابنا هذا

اجراءاتكم بالتنفيذ والتقيد بـــــذلك

نقيـــب
محمود مصطفى بوسيف الورفلي
آمـر محاور القـوات الخاصـــة

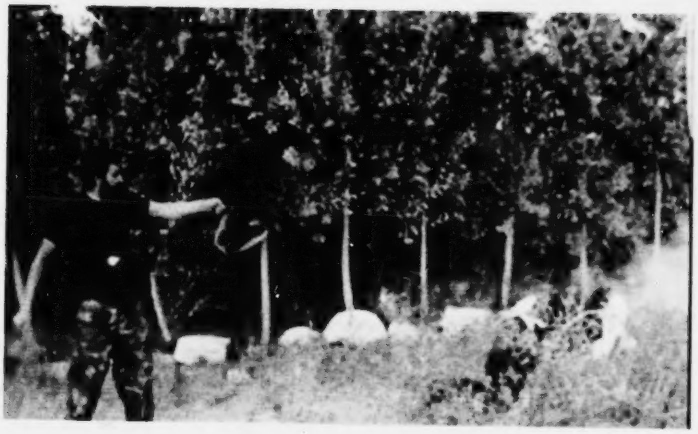
Source: Confidential

Photos believed to be taken in January and February 2017 showing Mahmud al-Warfalli executing several unidentified individuals



Source: Social Media

Source: Confidential



Source: Confidential

Mahmud al-Warfalli (left) in a photo next to the exhumed body of Jalal al-Makhzoum, a BRSC military commander

Source: Social Media

Annex 30 Human rights violations against migrants in Zawiya

1. Abd al-Rahman Milad (alias al-Bija) is the head of the Zawiya branch of the coast guard. He obtained this position thanks to the support of Mohammad Koshlaf and Walid Koshlaf. Both had leverage over the coast guard hierarchy, according to internal sources in the coast guard.

2. Fathi al-Far, a former army colonel, is the head of al-Nasr detention centre. The centre is under the de facto control of al-Nasr Brigade of Mohammad Koshlaf. The Panel collected testimonies of the inhumane detention conditions at al-Nasr, which is not suitably equipped to hold migrants. Women and children live in critical conditions.

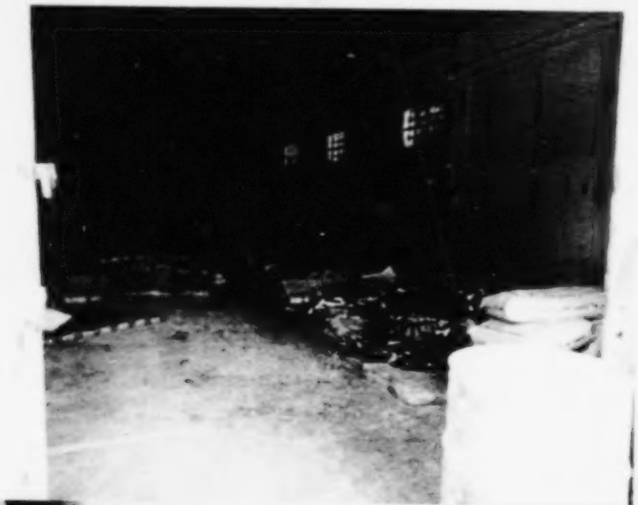
3. In addition, many migrants are frequently beaten, while others, notably women from sub-Saharan countries and Morocco, were sold on the local market as 'sex slaves'.

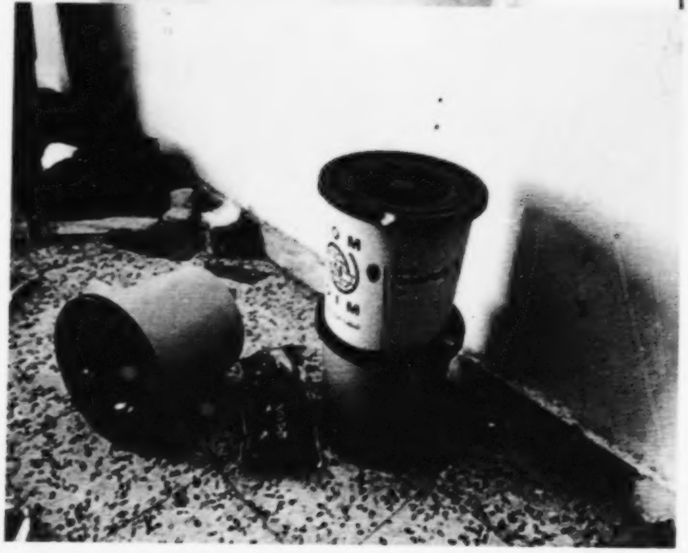
4. Tareq al-Hengari is also a member of the coast guard. He shot at migrants' boats at sea, causing the death of an unknown number of migrants, in an attempt to undermine the smuggling business of Koshlaf's competitors.

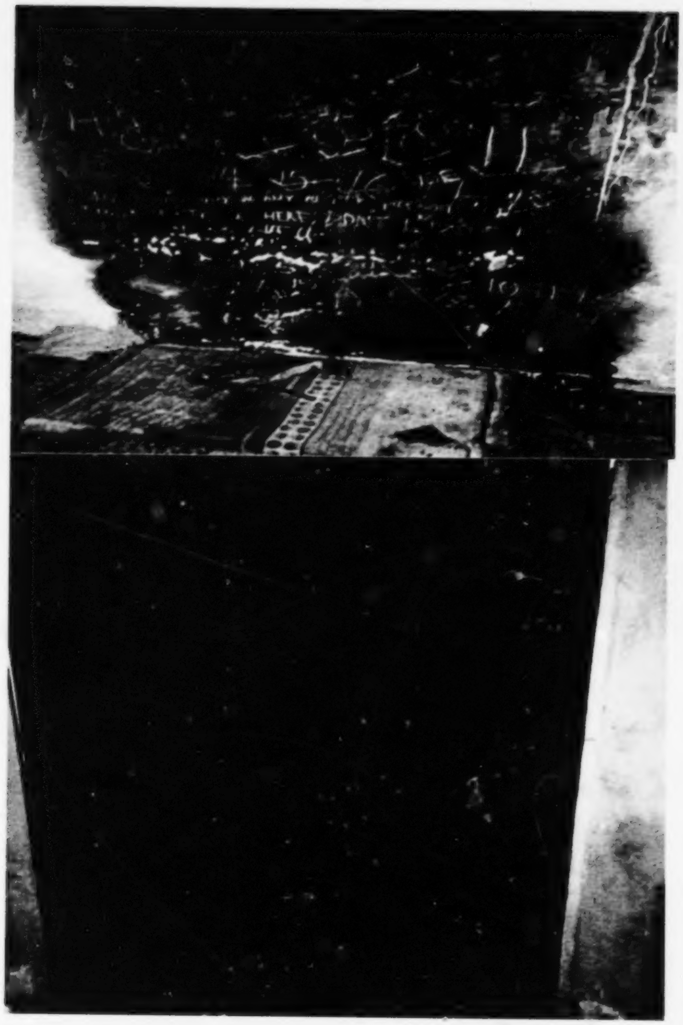
Annex 31 Migrant detention centres

'Al-Felah' detention centre in Tripoli – March 2017

1. The following photographs, showing inhumane conditions of detention in the al-Felah detention centres, were taken following the ousting of the Presidential Security from al-Felah and al-Qusur areas in Tripoli.



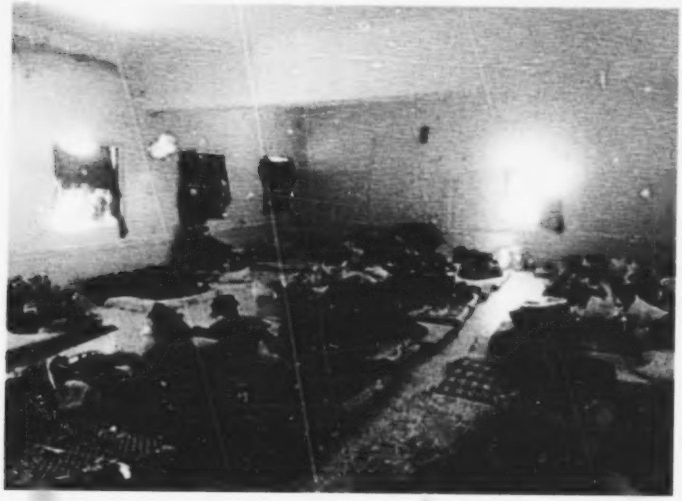




Source: Confidential

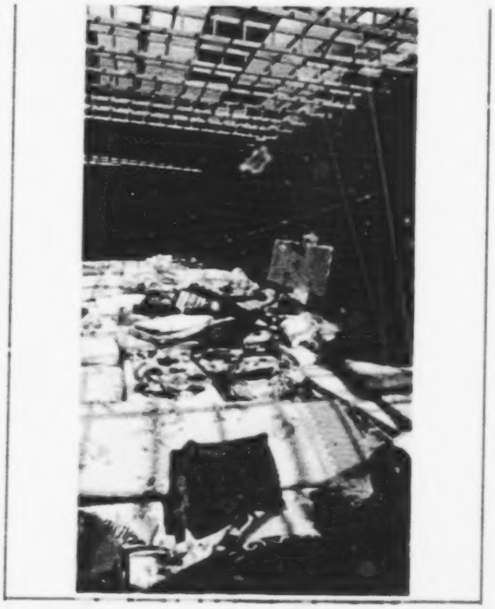
The al-Krarim detention center in Misrata – March 2017

2. Conditions are marginally better from other centres but remain extremely poor and inhumane, according to human rights activists who visited the prison.



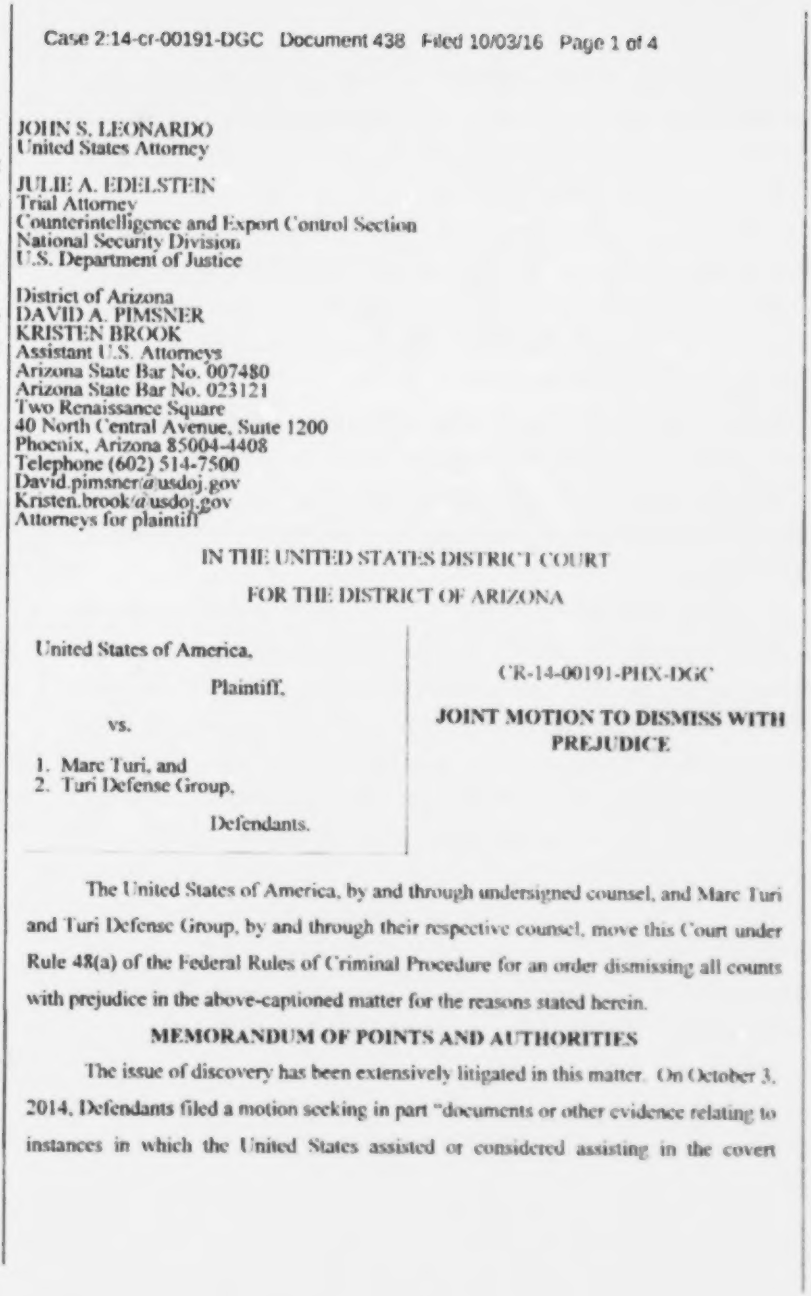
Source: Confidential

Detention centre in Zliten– March 2017



Source: Confidential

Annex 32 Marc Turi



JOHN S. LEONARDO
United States Attorney

JULIE A. EDELSTEIN
Trial Attorney
Counterintelligence and Export Control Section
National Security Division
U.S. Department of Justice

District of Arizona
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Attorneys for plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

United States of America, Plaintiff, vs. 1. Marc Turi, and 2. Turi Defense Group, Defendants.	CR-14-00191-PHX-DGC **JOINT MOTION TO DISMISS WITH PREJUDICE**

The United States of America, by and through undersigned counsel, and Marc Turi and Turi Defense Group, by and through their respective counsel, move this Court under Rule 48(a) of the Federal Rules of Criminal Procedure for an order dismissing all counts with prejudice in the above-captioned matter for the reasons stated herein.

MEMORANDUM OF POINTS AND AUTHORITIES

The issue of discovery has been extensively litigated in this matter. On October 3, 2014, Defendants filed a motion seeking in part "documents or other evidence relating to instances in which the United States assisted or considered assisting in the covert transportation, provision, acquisition, transfer, or transport of 'Defense Articles' to or from any person, entity, group of people, quasi-governmental entity, or government within the territory of Libya from 2010 to the date of the request." (Dkt. No. 63 at 3) (citing Dkt. No. 55 at 5).

On October 22, 2014, the Court found Defendants' request was "overly broad" and required the government to produce "a narrower category of information: documents which relate to efforts by the United States to arrange for arms brokers to arrange covert transfers of weapons to the NTC in Libya between the beginning of 2010 and the end of 2011" ("Category 2 documents"). (Dkt. No. 63 at 4).

The government searched for records as required by the October 22, 2014 order. The government apprised the Court of the results of its search for such documents through a motion under Section 4 of the Classified Information Procedures Act, 18 U.S.C. App. 3 § 4. Subsequently, the Government apprised counsel for Defendant Turi of the results in a classified document.

On June 16, 2015, Defendants filed a motion seeking an order requiring the government to show cause why it should not be sanctioned for failing to produce Category 2 documents relating to the Court's October 22, 2014 Order. (Dkt. No. 171). The motion was briefed and the Court conducted a status conference on August 11, 2015, during which there was an extensive discussion of the meaning of the terms "efforts" versus "contemplation," and that the government's disclosure obligations were limited to "efforts." During the hearing, the Court noted that, by its October 22, 2014 Order, it intended to order the disclosure of a document "if it relates to an effort to arm rebels, something that actually occurred, then it should be disclosed," but it also pointed out that "there is a difference between actively contemplating and doing it." (RT 8/11/15 at 7, 9). On October 2, 2015, the Court denied the Defendants' motion and again reiterated that "Category 2 does not call for documents relating to 'possible efforts' or 'contemplated efforts' to arm Libyan rebels." (Dkt. No. 249 at 4).

Defendants again filed a motion seeking to compel additional information. On March 25, 2016, the Court issued an order reversing its prior rulings and ordered more extensive discovery. As a result, government counsel consulted various government entities in accordance with the order.

While the latest discovery order was pending, Defendants negotiated with the Directorate of Defense Trade Controls ("DDTC").[1] Defendants and DDTC have now reached an administrative settlement that is memorialized in a signed consent agreement between DDTC and the Defendants (Attached as sealed Exhibit A).

In light of the Court's discovery rulings, the administrative resolution between DDTC and the defendant, and other factors, the government seeks leave of the Court to dismiss the criminal matter with prejudice pursuant to Rule 48(a). Dismissal is appropriate under Rule 48(a) in these circumstances. *See, e.g., United States v. Gonzales*, 58 F.3d 459, 461 (9th Cir. 1995) (reversing denial of prosecution's motion to dismiss charges with prejudice, made with consent of defendant, and noting that "in the category of cases in which the defendant consents to the prosecution's request, there is a question as to whether a district court may ever deny an uncontested Rule 48(a) motion").

While the parties disagree on the facts of this case and the defendants' deny any criminal conduct, the defendants' acknowledge that the charges obtained in this case were

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[1] DDTC is the regulatory body responsible for enforcing compliance with the International Traffic in Arms Regulations ("ITAR"). 22 C.F.R. Chapter I, Subchapter M, Parts 120 - 130.

based in fact. Undersigned counsel avows that counsel for Turi and Turi Defense Group join in this motion and the relief requested herein.

Respectfully submitted this ____ day of October, 2016.

JOHN S. LEONARDO United States Attorney District of Arizona	PERKINS COIE LLP
s/ Kristen Brook KRISTEN BROOK DAVID A. PIMSNER Assistant U.S. Attorneys	*/s/ Jean-Jacques "J" Cabou* JEAN-JACQUES "J" CABOU Counsel for Marc Turi */s/ Thomas D. Ryerson* THOMAS D. RYERSON */s/ Alexis E. Danneman* ALEXIS E. DANNEMAN Pro bono Counsel for Turi Defense Group

CERTIFICATE OF SERVICE

I hereby certify that on or about October 3, 2016, I electronically transmitted the attached document to the Clerk's office using the CM/ECF System and sent a copy of the attached document to the following CM/ECF registrants:

Jean-Jacques Cabou, Attorney for Defendant Turi, and
Thomas Ryerson and Alexis Danneman, Attorneys for Turi Defense Group

KB/nh

Annex 33 Zastava M93 on the black market

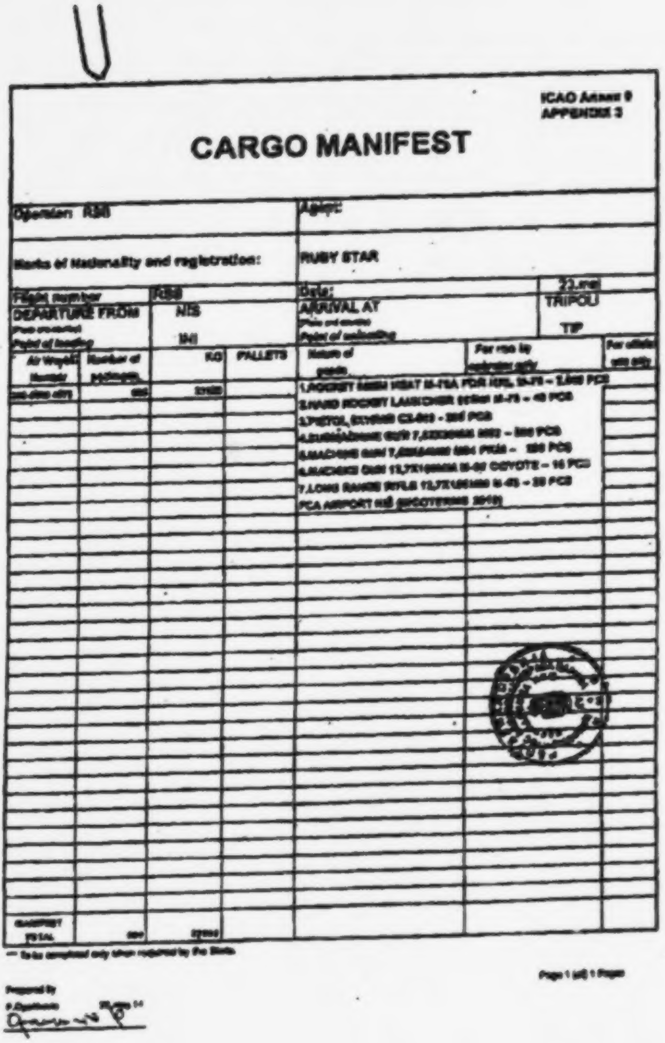
1. Monitoring of social media by the Panel indicates that arms dealers within Libya continue to use online markets to sell and/or acquire material such as rocket propelled grenade (RPG) launchers, recoilless rifles, anti-tank guided missile systems, heavy machine guns (12.7mm and 14.5mm), and man-portable air-defence systems (MANPADS).[5] Among the weapons for sale on a Libyan Facebook page were two Zastava Arms M-93 'Black Arrow' anti-materiel rifles.[6] In 2015, Serbia had already confirmed to the Panel the delivery of 25 M93 to the Libyan Ministry of Defence for the amount of USD 126,250 (see delivery certificate below), after a successful exemption notification to the Committee. In all likelihood, they were diverted. In April 2016, Facebook closed six accounts that had been used for arms sales in Libya.[7]

---

[5] see C.J. Chivers, "Facebook Groups Act as Weapons Bazaars for Militias", New York Times, 6 April 2016, http://www.nytimes.com/2016/04/07/world/middleeast/facebook-weapons-syria-libya-iraq.html?_r=0;
Michael Smallwood, "9K32M MANPADS components offered for sale in Libya via social media", Armament Research Services, 6 March 2015, http://armamentresearch.com/9k32m-manpads-components-offered-for-sale-in-libya-via-social-media/.

[6] N. R. Jenzen-Jones and Graeme Rice, "The Online Trade of Light Weapons in Libya", Security Assessment in North Africa Dispatch No. 6, April 2016, p.7. http://www.smallarmssurvey.org/sana/publications/listed-in-chronological-order/dispatches/sana-dispatch-6.html.

[7] Internet links can obviously not be provided, but were documented in the reports cited below.



ICAO Annex 9
APPENDIX 3

CARGO MANIFEST

Operator: [illegible]

Agent:

Marks of Nationality and registration: RUBY STAR

Flight number [illegible]

Date: 23.[illegible]

DEPARTURE FROM NIS

Point of loading INI

ARRIVAL AT TRIPOLI

Point of unloading TIP

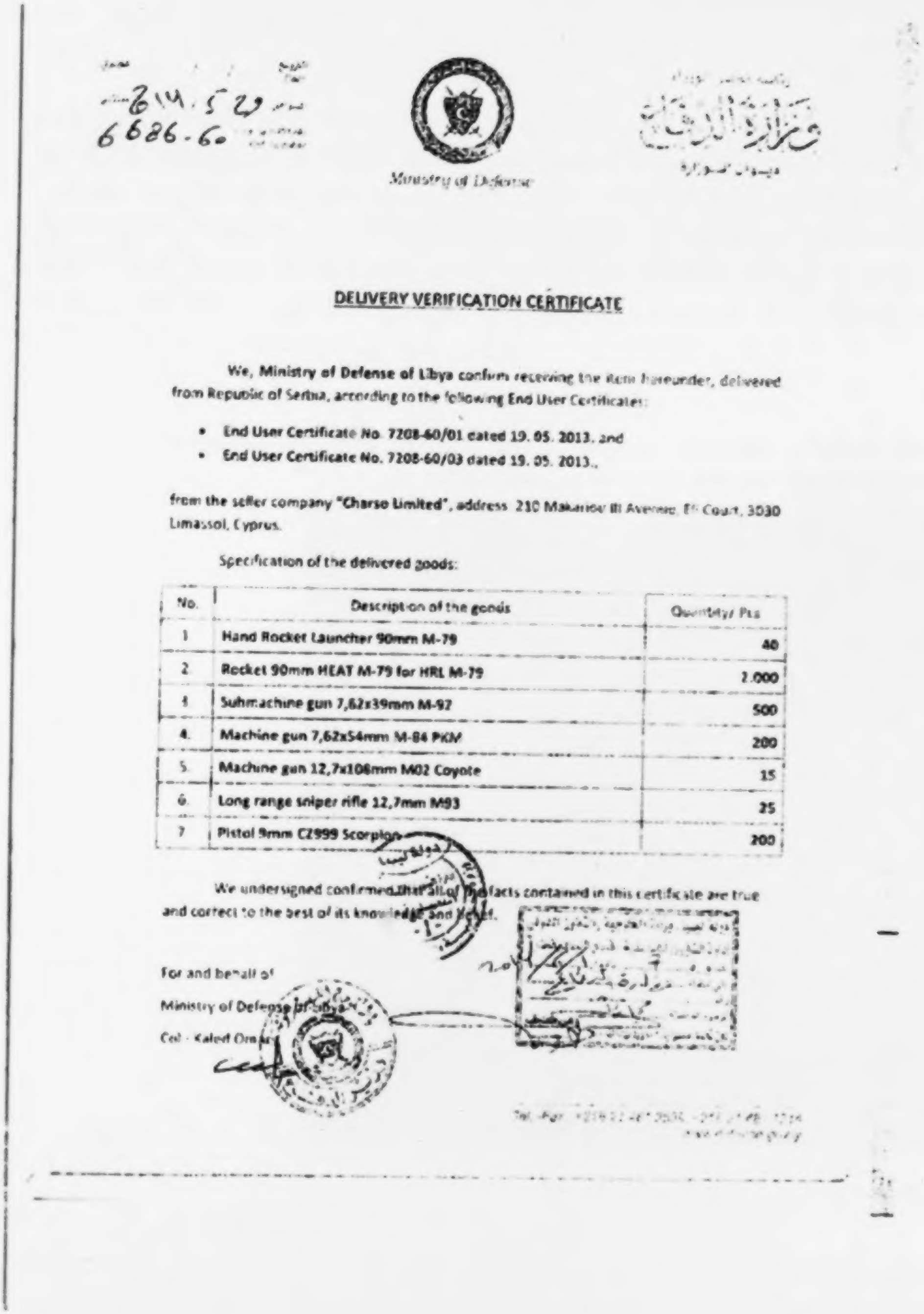
Air Waybill Number	Number of packages	KG	PALLETS	Nature of goods	For use by operator only	For official use only
[illegible]	[illegible]	[illegible]		1.ROCKET [illegible] – [illegible] PCS		
				2.HAND ROCKET LAUNCHER [illegible] – 40 PCS		
				3.PISTOL, [illegible] – [illegible] PCS		
				4.[illegible] – [illegible] PCS		
				5.MACHINE GUN [illegible] – [illegible] PCS		
				6.MACHINE GUN [illegible] COYOTE – 16 PCS		
				7.LONG RANGE RIFLE [illegible] – [illegible] PCS		
				FCA AIRPORT NIŠ [illegible]		
MANIFEST TOTAL	[illegible]	[illegible]				

— To be completed only when required by the State.

Page 1 (of) 1 Pages

Prepared by
[illegible]

Source: Republic of Serbia



2014.5.29
6686-60

Ministry of Defense

وزارة الدفاع
ديوان الوزارة

DELIVERY VERIFICATION CERTIFICATE

We, Ministry of Defense of Libya confirm receiving the item hereunder, delivered from Republic of Serbia, according to the following End User Certificates:

- **End User Certificate No. 7208-60/01 dated 19. 05. 2013.** and
- **End User Certificate No. 7208-60/03 dated 19. 05. 2013.**,

from the seller company **"Charso Limited"**, address 210 Makariou III Avenue, E' Court, 3030 Limassol, Cyprus.

Specification of the delivered goods:

No.	Description of the goods	Quantity/ Pcs
1	**Hand Rocket Launcher 90mm M-79**	**40**
2.	**Rocket 90mm HEAT M-79 for HRL M-79**	**2.000**
3.	**Submachine gun 7,62x39mm M-92**	**500**
4.	**Machine gun 7,62x54mm M-84 PKM**	**200**
5.	**Machine gun 12,7x108mm M02 Coyote**	**15**
6.	**Long range sniper rifle 12,7mm M93**	**25**
7	**Pistol 9mm CZ999 Scorpion**	**200**

We undersigned confirmed that all of the facts contained in this certificate are true and correct to the best of its knowledge and belief.

For and behalf of

Ministry of Defense of Libya

Col - Kaled Omar

Tel.-Fax: +218 21 [illegible]

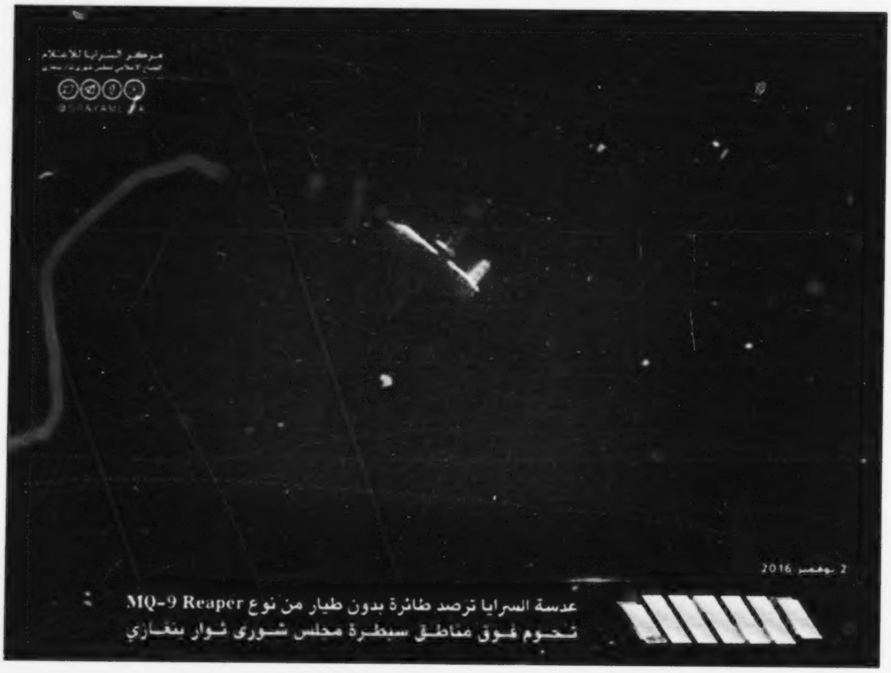
Source: Republic of Serbia

Annex 34 Unmanned Aerial Vehicles (UAVs)

Wing Loong and Schiebel Camcopters

1. As the satellite imagery in the arms embargo section of the report shows, two Wing Loong UAVs have been operating from al-Khadim airbase since June 2016. In September 2016, the Benghazi Revolutionaries' Shura Council (BRSC) claimed that the United Arab Emirates and Italy were operating MQ 9 Reaper, Predator, and Schiebel Camcopter S 100 UAVs over Benghazi. However, BRSC mistakenly identified the Wing Loong UAV as a MQ 9 Reaper. Later BRSC claimed that the Wing Loong UAVs used missiles to hit specific targets in BRSC-controlled areas in Benghazi.

Picture: Wing Loong UAV, the description "MQ-9 Reaper" is false. The Wing Loong has a dihedral (upward) V-tails in contrast to the Reapers anhedral (downward) V-tails.


2 ديسمبر 2016
عدسة السرايا ترصد طائرة بدون طيار من نوع MQ-9 Reaper
تحوم فوق مناطق سيطرة مجلس شورى ثوار بنغازي

Source: BRSC information channel reposted on social media[8]

2. The Wing Loong must be operated by a foreign country, most probably the United Arab Emirates from al-Khadim airbase. The UAV was developed by the Chengdu Aircraft Industry Group in the People's Republic of China and the Panel can confirm that the United Arab Emirates was one

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[8] https://twitter.com/oded121351/status/793842662407335936; Twitter account Menastream, posted on 26 December 2016, https://twitter.com/menastream/status/813427624605339648.

of the first foreign customers. Saudi Arabia and later Egypt are the two other countries in the region to have purchased first generation Wing Loong, which have only one pod for guided weaponry with a maximum load of 100kg.

3. The Khamis Brigade had purchased four Schiebel Camcopter S 100 in 2009[9] and armed groups have been operating at least two of them. One was shot down by *Fajr Libya* in 2015 near the al-Watya airbase in the west of Libya.[10]

4. It is possible that a foreign country is operating these UAVs over Benghazi. The Camcopter was developed by the Austrian company Schiebel in cooperation with the United Arab Emirates's Abu Dhabi Autonomous Systems Investments Company (ADASI).[11]

Picture: Schiebel Camcopter

مركز السرايا للإعلام
@SRAYAMEDIA
2 نوفمبر 2016
عدسة السرايا ترصد طائرة بدون طيار من نوع camcopter
تحوم فوق مناطق سيطرة مجلس شورى ثوار بنغازي

Source: BRSC information channel reposted on social media[12]

---

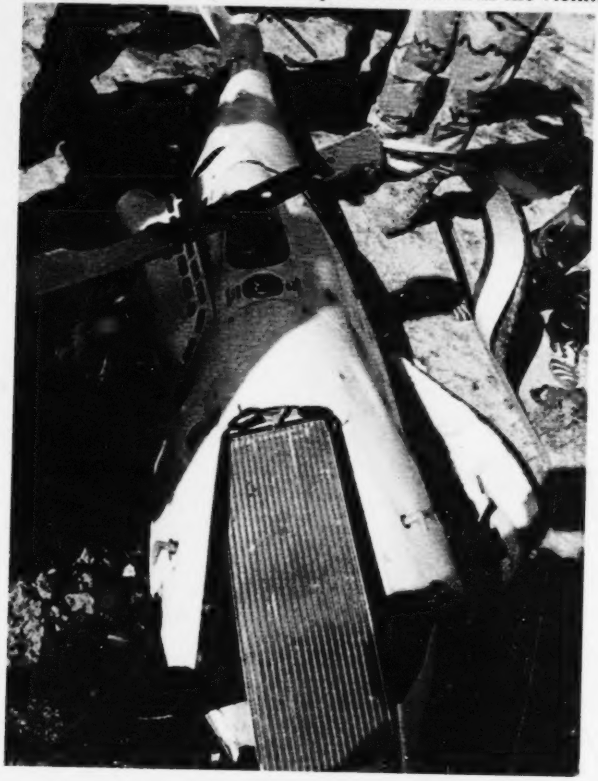
[9] "Rot-weiß-rote Drohnen in Gaddafis Diensten", Der Standard, 1 March 2011, http://derstandard.at/1297819293825/Austro-Kriegsmaterial-Rot-weiss-rote-Drohnen-in-Gaddafis-Diensten.

[10] "Austrian-made UAV Schiebel Camcopter S-100 Shot Down in Libya", defence-blog.com, 15 January 2015, http://defence-blog.com/news/austrian-made-uav-schiebel-camcopter-s-100-shot-down-in-libya.html.

[11] http://www.adasi.ae/al-sabr-system.aspx.

[12] Twitter account Oded Berkowitz, posted on 2 November 2016, https://twitter.com/oded121351/status/793842662407335936.

Photograph: Schiebel Camcopter shot down in the vicinity of al-Watya airbase in January 2015



Source: defence-blog.com[13]

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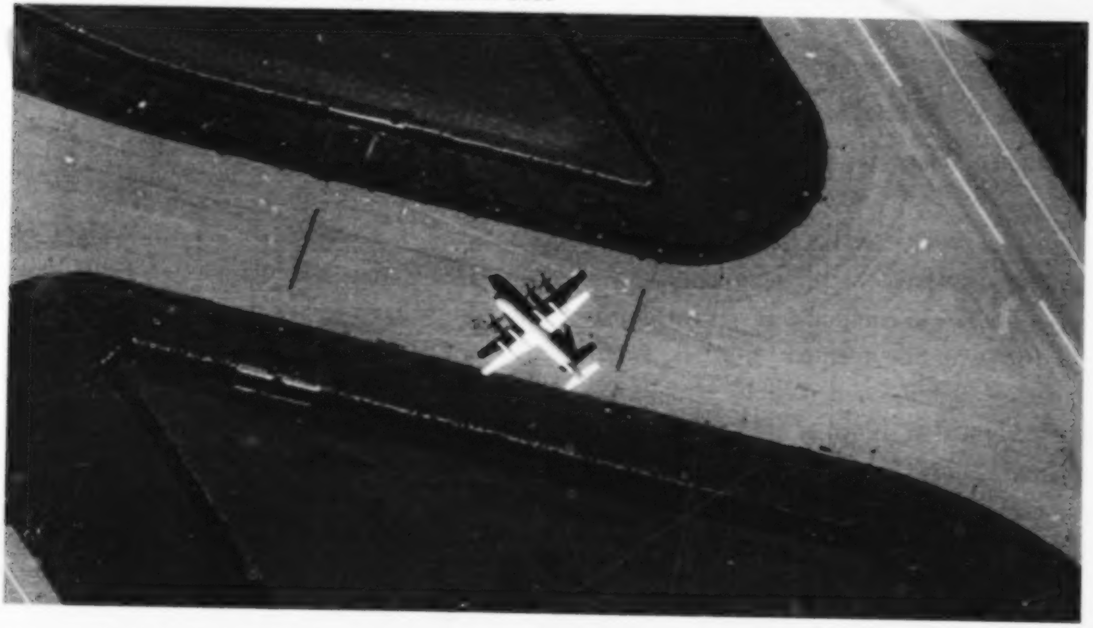
[13] "Austrian-made UAV Schiebel Camcopter S100 Shot Down in Libya", op.cit.

Annex 35 Transport aircraft at al-Khadim airbase

1. On 27 June 2016 satellite imagery analysed by IHS[14] captured next to the two Wing Loong two Il-76 cargo planes and an Il-18 turboprop airliner. The presence of these specific aircraft provides evidence for the Panel's assessment that a series of Il-76TD and one IL-18D owned by a network of Moldovan companies, are operating in Libya, with at least two of them operated without registration. The Panel has received information that the planes are chartered by Haftar's LNA and the United Arab Emirates to transport personnel, equipment and cash.

2. The IHS's analysis identified the Il-18 on 27 June 2016 noting that "the only known operators of the type are North Korea's air force and Air Koyo airline and the Russian aerospace research and development company NPP Mir." Only three Il-18 are still registered world-wide. However, the Panel's investigation on a series of Moldovan aircraft operating regularly in Libya shows that one IL-18 with tail number ER-ICS is flying although it is not registered. The same Il-18 as well as an Il-76 was documented on satellite imagery on 30 December 2016.

Picture: Il-18, al-Khadim air base, 30 December 2016



Source: Digital Globe, WorldView 3, 30 December 2016

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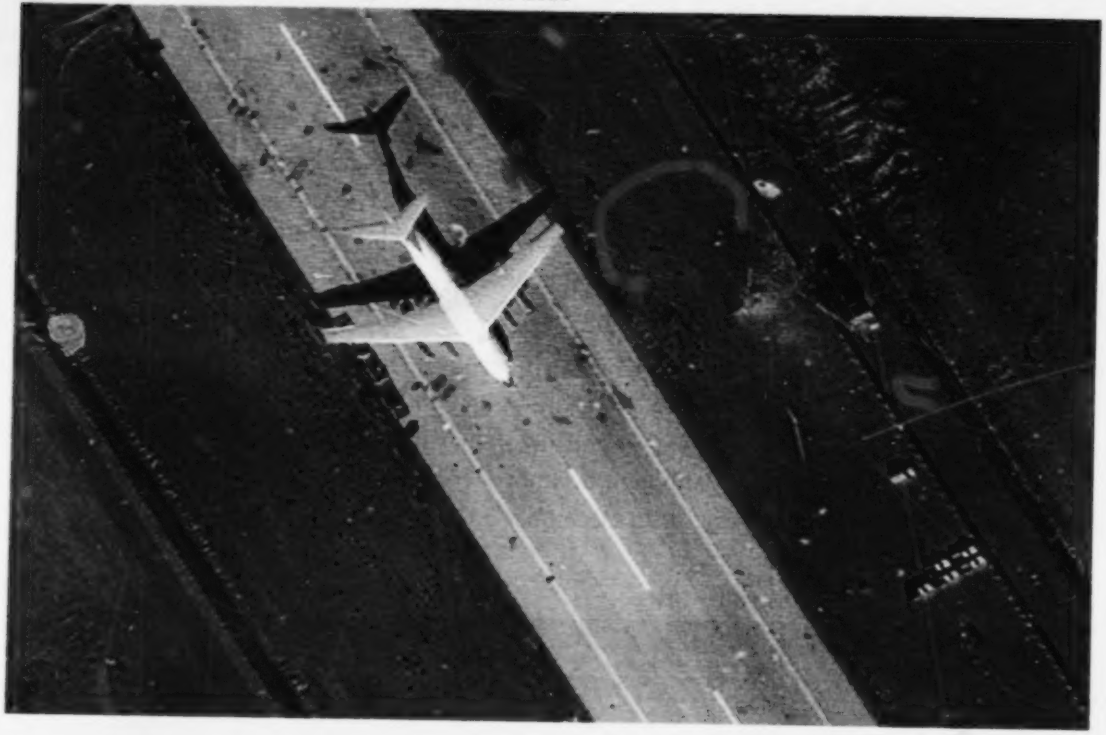
[14] IHS, "Analysis: UAE's forward operating base in Libya revealed", Jane's Defence Weekly, 27 October 2016.

Picture: IL-76, al-Khadim air base, 30 December 2016



Source: Digital Globe, WorldView 3, 30 December 2016

IL-18D

3. Recent reports have highlighted that several airlines registered in Moldova were sighted transporting officers and commanders of armed groups allied to Haftar's LNA. The Il-18D with tail-number ER-ICS was documented on 15 September 2016 at the Zintan airport (see photograph. According to information received by the Panel, the plane was chartered by an United Arab Emirates-based entity to fly tribal elders from the east to a reconciliation conference in Nalut in the Nafusa mountains. The Panel had further received information that the same plane was regularly chartered to transport cash and military equipment to forces allied to Haftar's LNA.[15] The plane was also documented in Benina on 25 November 2016, unloading materiel for the LNA, and in Zintan on 1 January 2017, with military officers allegedly returning from their graduation in another Member State.[16] As mentioned above, the Panel documented through satellite imagery an IL-18 on 30 December 2016 and IHS on 27 June 2016 on the al-Khadim air base mentioned above.

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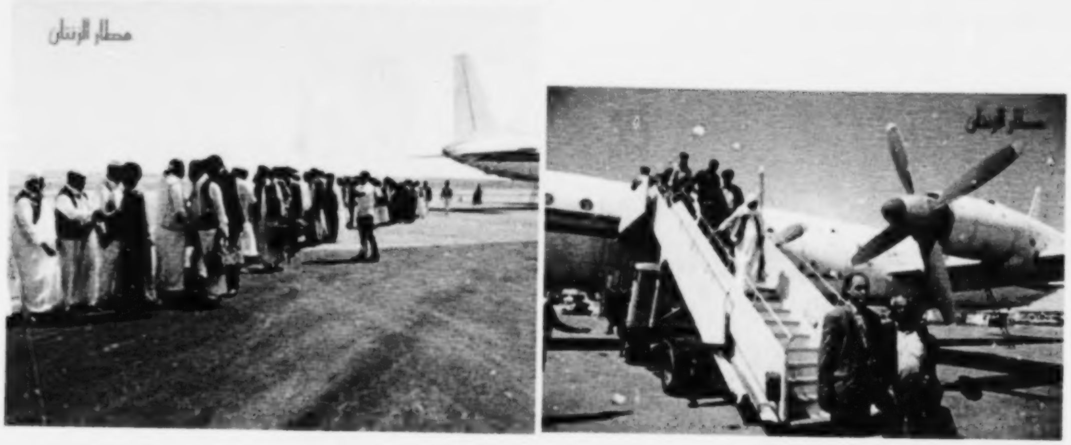
[15] Similar information were obtained by the think tank Africa Intelligence, see 'Ghilan Family Gives Khalifa Haftar Air Support', Maghreb Confidential n°1232, Paris, 19 January 2017, p.1.

[16] Arnauld Delalande, "Erik Prince's Mercenaries Are Bombing Libya. For-profit combat pilots fly Emirati Air Tractorshttp", War is Boring, 14 January 2017, //warisboring.com/erik-princes-mauercenaries-are-bombing-libya/

Photograph: IL-18D in Zintan on 15 September 2016


مطار الزنتان
مطار الزنتان

Source: Confidential

Pictures: the same IL-18D in Benina on 25 November 2016 being unloaded by LNA soldiers

BREAKING NEWS
#هبوط_ اول طائرة في قاعدة بنينا الجوية 25_11_2016
Show
BREAKING NEWS
#هبوط_ اول طائرة في قاعدة بنينا الجوية 25_11_2016
Show

Source: Social media[17]

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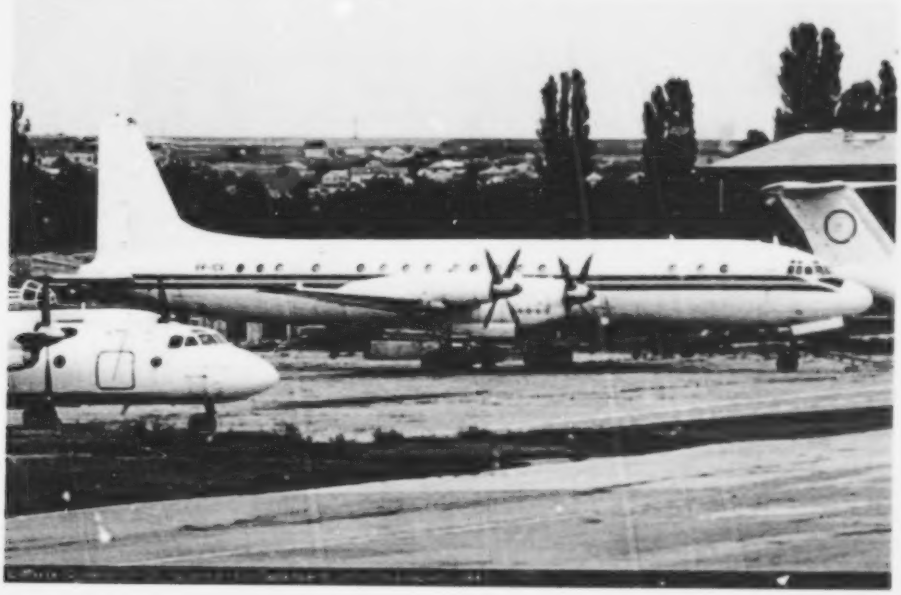
[17] Twitter account of Arnaud Delalande, 26 November 2016 https://twitter.com/Arn_Del/status/802565205372768256

The same IL-18D registered with Moldovan company Grixona, Chisinau 30 September 2013. The unique colour scheme has remained unchanged.



Source: Russianplanes.net[18]

4. The IL-18D was owned by Grixona since 2007. The company was renamed Sky Prim Air in 2013. The Panel requested the log information for the flights mentioned above, but the Moldovan authorities explained that the airplane has been de-registered from their Aviation register since 8 July 2015. It has not been re-registered since in any other country, i.e. this plane currently operates in Libya without proper registration and thus with no aviation authority to report to.

Registration history of IL-18d with tail number ER-ICS:

ER-ICS	Il-18D	187009903	Grixona	ex UR-CEO @ Sevastopol-Avia	2007	2013	to Sky Prim Air @ Sky Prim Air
ER-ICS	Il-18D	187009903	Sky Prim Air		2013	2015	Libya unregistered

Source Aerotransport.org data bank and Moldovan Aviation Registry

5. Grixona and Sky Prim Air are private companies owned by Griogore Ghilian. Based on flight data the Panel has received from Libyan airport administration, Sky Prim Air has been operating four IL-76TD cargo planes in Libya in 2014-15. Flights were regularly conducted from the United Arab Emirates and from Sudan.

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[18] Photo by Aleksei Grichkov, photo ID 159938, 20 September 2013, http://russianplanes.net/id159938

6. Sky Prim Air was flying four different IL-76TDs:

1) ER-IAM
2) ER-IAH
3) ER-IAK
4) ER-IAN

7. The planes have since been re-registered with other Moldovan companies. Two (ER-IAM and ER-IAH) are registered under ER-IBI and ER-IBU with Air Stork, a company that has the same address as Aerotranscargo (the Panel has reported on suspicious flights from Ostend, Belgium, to Libya (see S/2015/128, paragraphs 130 and 174). Aerotranscargo aircraft have previously been chartered by the Libyan company Global Aviation and Services Group (GASG) owned by Libyan businessman Abd al-Salam Aradi. Aerotranscargo had operated cargo flights for GASG in the same time period.

8. Another Il-76TD (ER-IAK) is now registered under ER-IAZ with Oscar Jet – a Moldovan company allegedly owned by Valdimir Ghilan, the son of Griogore Ghilian.[19] It was previously purchased by Grixona/Sky Prim Air purchased in March 2013 from Veteran Avia, an Armenian company that figured prominently in previous Panel reports in connection with arms transfers (see S/2015/128, paragraph 173 and S/2016/209, paragraph 141).

Registration history ER-IAK now owned by Oscar Jet as ER-IAZ:

EK-76401	Il-76TD	1023412399	Veteran Airline	ex RA-76401 @ Moscow Airline	12.07.2011	Mrz 13	to ER-IAK @ Grixona
ER-IAK	Il-76TD	1023412399	Grixona	ex EK-76401 @ Veteran Airline	Mrz 13	2013	to Sky Prim Air @ Sky Prim Air
ER-IAK	Il-76TD	1023412399	Sky Prim Air	ex EK-76401 @ Veteran Airline	2013	Dez 15	to ER-IAZ @ Oscar Jet
ER-IAZ	Il-76TD	1023412399	Oscar Jet	ex ER-IAK @ Sky Prim Air	Dez 15		Active

Source: Aerotransport.org data bank

9. Further, the IL-76TD with tail number ER-IAN was documented as being operated by Sky Prim Air on 22 February 2015 from Khartoum to al-Hamada airstrip and on 8 February from Sharjah, United Arab Emirates, to Tobruk. Yet, according to aircraft databases, this plane was registered with Aerotranscargo until 23 December 2014. Again, the Moldovan authorities confirmed that the plane was definitively de-registered. The aircraft has since not been registered with any other aviation authority.

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[19] see 'Ghilan Family Gives Khalifa Haftar Air Support', Maghreb Confidential n°1232, Paris, 19 January 2017, p.1.

10. Finally, as mentioned above the Panel has noted several flights conducted in Libya by the IL-76TD cargo plane with the tail number ER-AIX owned by Oscar Jet.

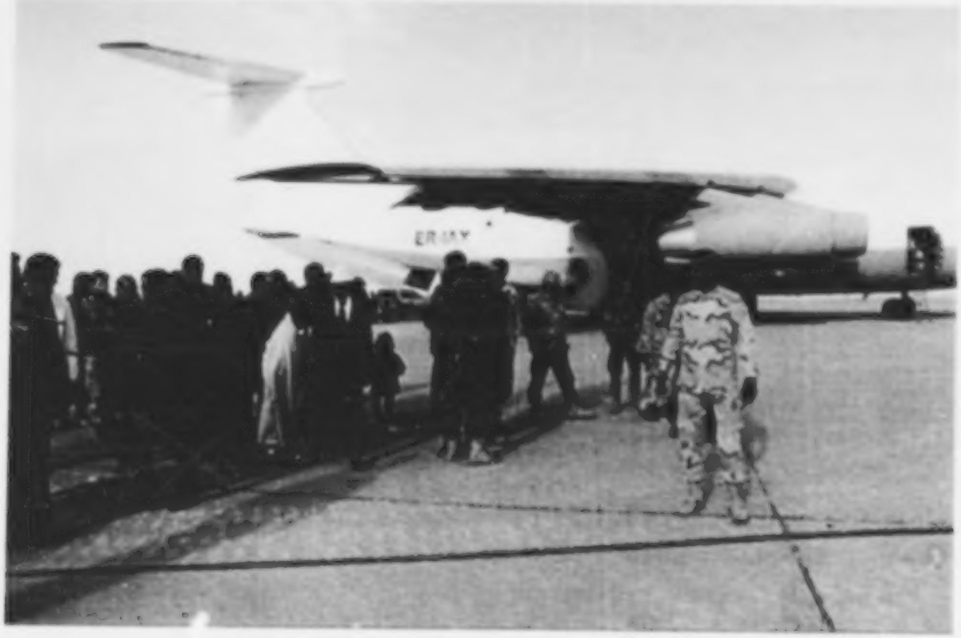
Registration history of ER-IAX

ER-IAR	Il-76TD	63470088	Sky Prim Air	ex EY-701 @ Khatlon Air	Jun 2015	Feb 2016	to ER-IAX @ Oscar Jet
ER-IAR	Il-76TD	63470088	Buraq Air Transport	leased from Sky Prim Air	08.08.2015	2015	Leased & Returned
ER-IAX	Il-76TD	63470088	Oscar Jet	ex ER-IAR @ Buraq Air Transport	Feb 2016		Active

Source: Aerotransport.org data bank

11. On 11 December 2016, a few days after the 12th Brigade allied to the LNA had taken the Brak al-Shati military air base, Brig. Gen. Mohammed Bin Nayel flew on board of an Il-76TD cargo airplane with the tail number ER-IAX operated by OscarJet.[20]

Picture: IL-76TD wit tail number ER-IAX on 11 December in Brak al-Shati



Source: Social media[21]

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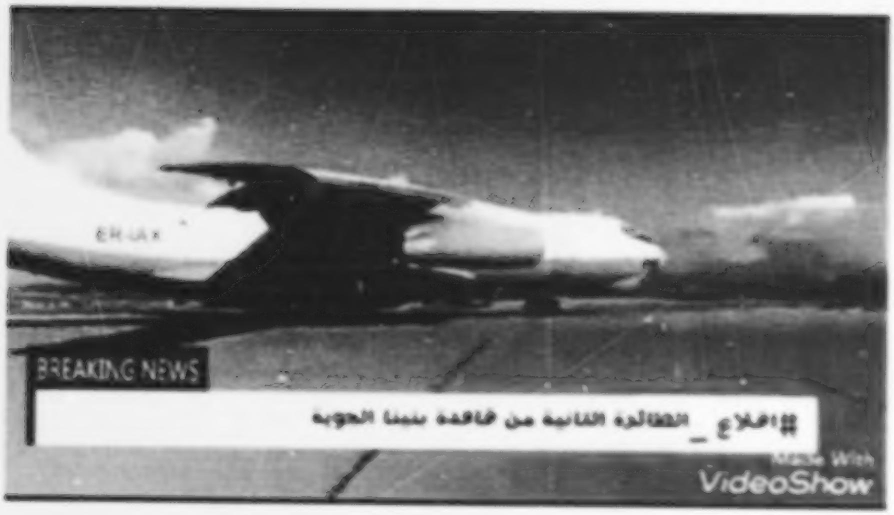
[20] Arnaud Delalande, op.cit.

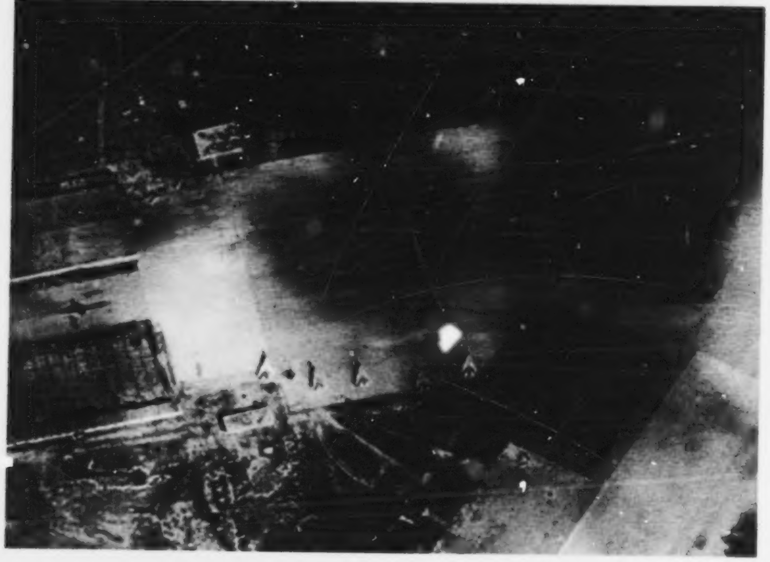
[21] Twitter account of Oded Berkowitz, 12 December 2016, https://twitter.com/oded121351/status/808194311904985088


ER-IAX
BREAKING NEWS
‼اقلاع _ الطائرة الثانية من قاعدة بنينا الجوية
Made With
VideoShow

Source: Video, n.a.

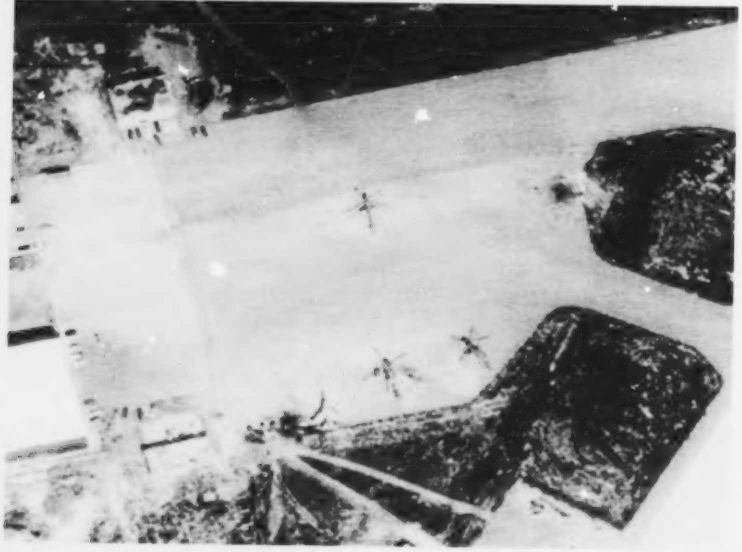
Annex 36 Build-up of Rotary Wing assets - Labraq

Satellite imagery 14: Labraq airfield, central apron, March 2014



Source: Digital Globe, GeoEye 1, 05 March 2014

Satellite imagery 15: Labraq airfield, central apron, March 2017

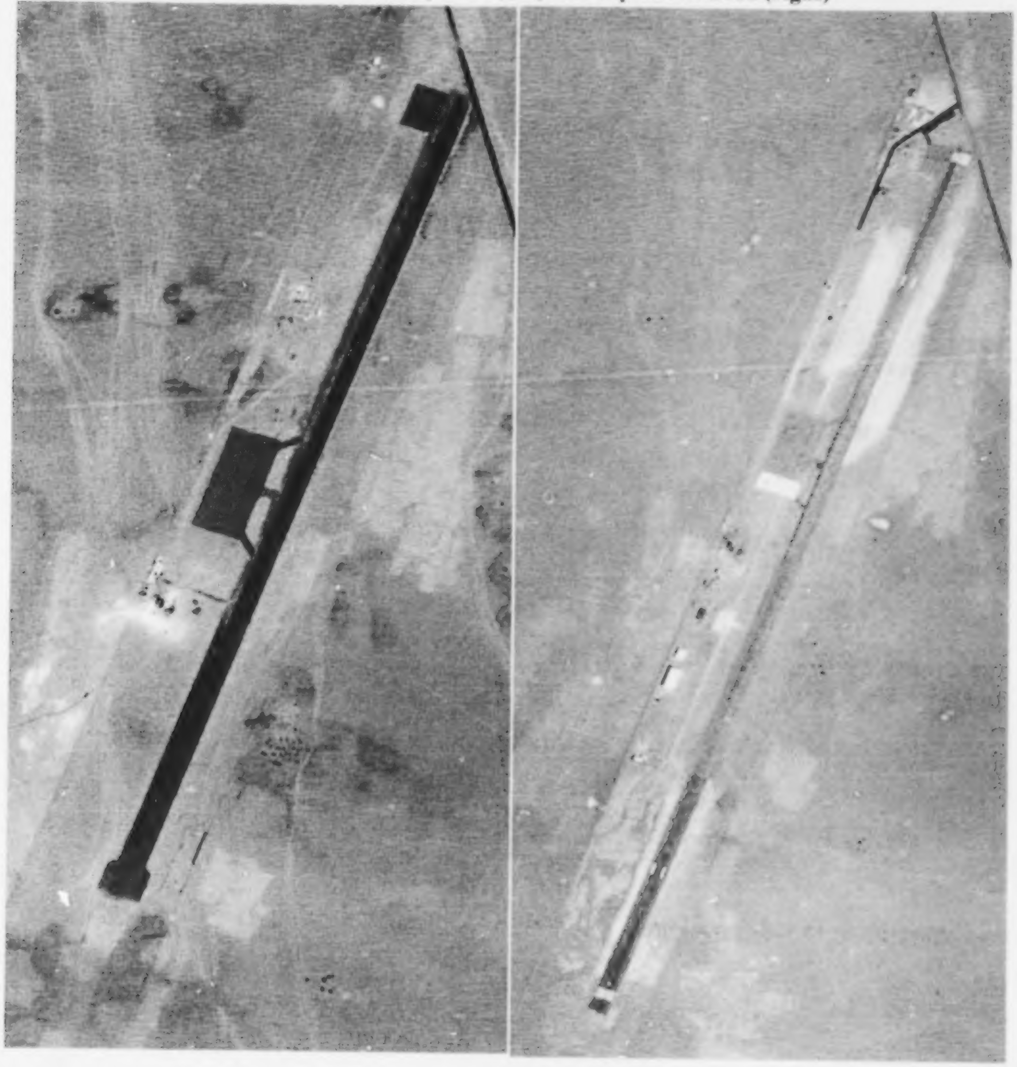


Source: Digital Globe, World View 2, 06 March 2017

1. Rotary wing assets have increased at Labraq airbase since 2014 with two probable Mi-24/35 attack helicopters and a support helicopter.

Annex 37 Zintan airbase

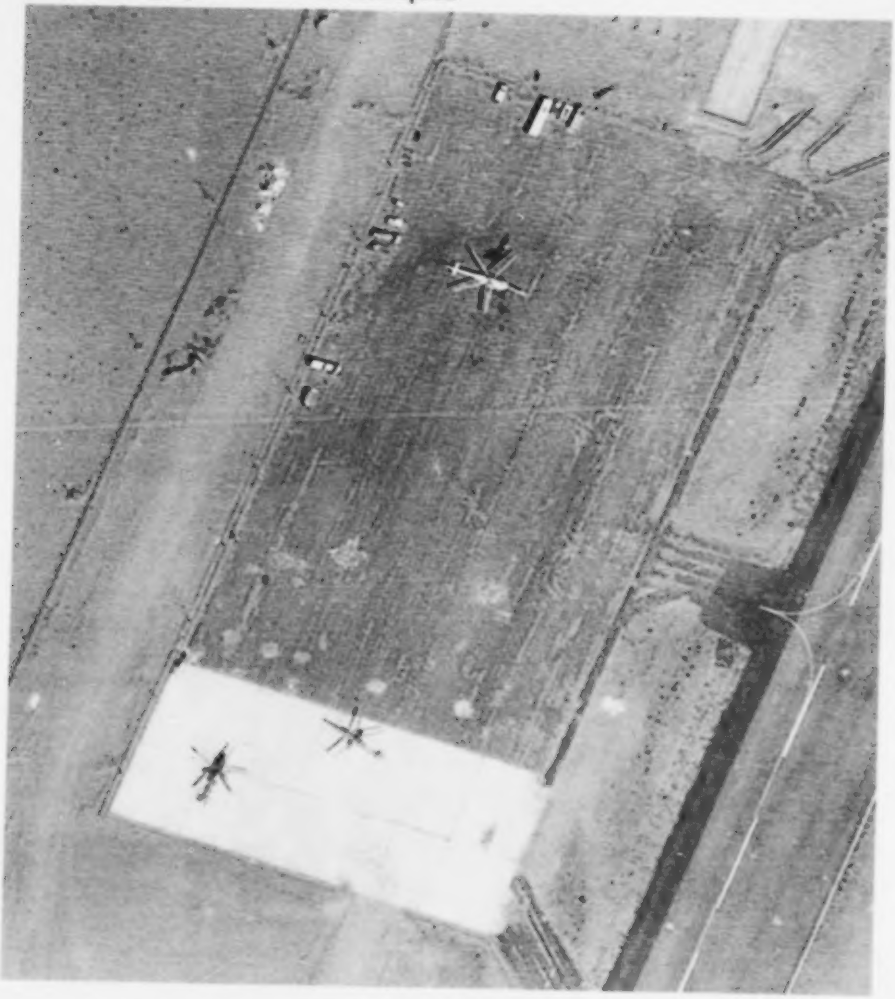
Satellite imagery 16: Zintan airbase, May 2014 (left) and September 2016 (right)



Source: Digital Globe, WorldView 2, 04 May 2014 and GeoEye 1, 15 September 2016

1. The images show the extension of the runway at Zintan from 2,000 meters in 2014 to 2,778 meters in 2016. The only aircraft identified at the airfield are rotary wing, including two attack helicopters and a support helicopter, assessed as Mi-24 and an Mi-8, shown below, which were not present in 2014.

Satellite imagery 17: Zintan airbase apron



Source: Digital Globe, WorldView, 15 September 2016

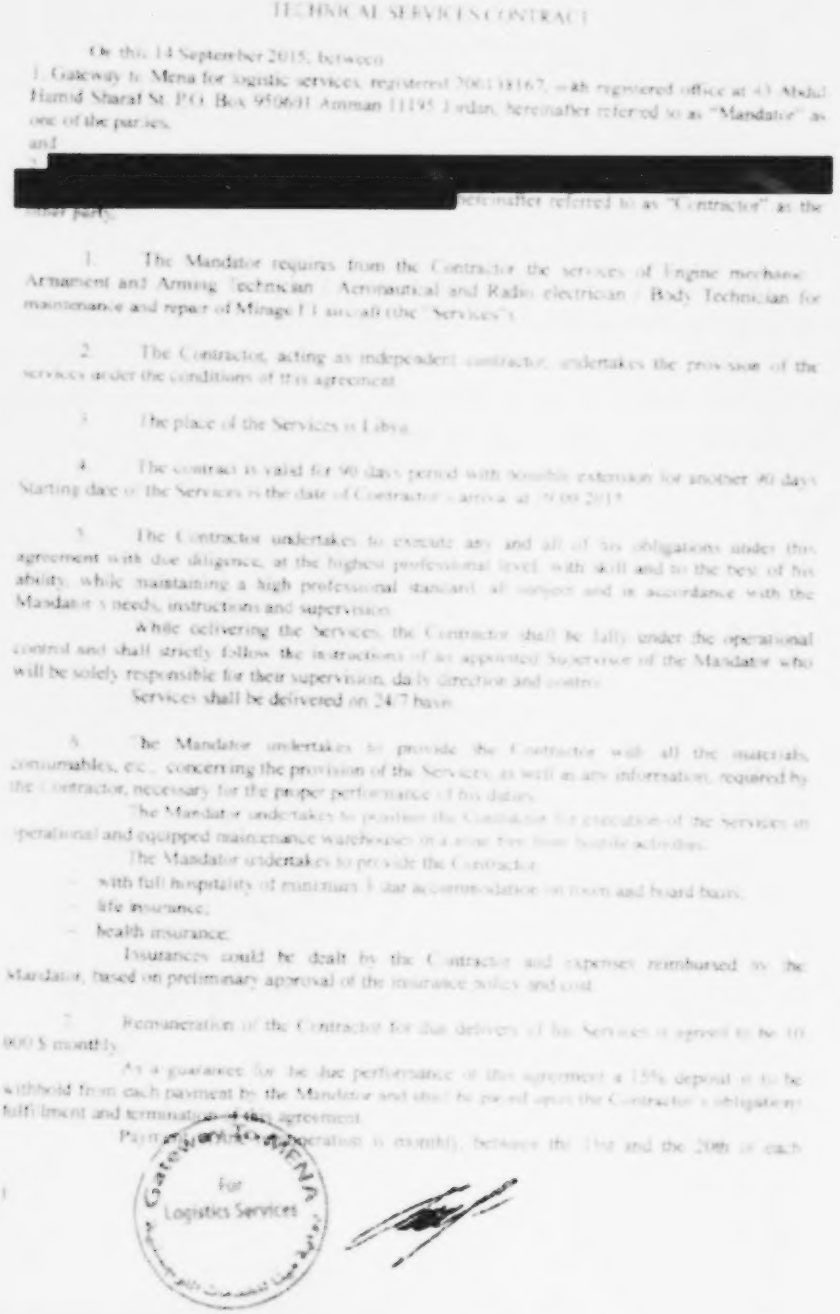
Annex 38 Czech Mi-24v

1. After receiving information on a potential re-transfer of Mi-24v rotary wing aircraft sold by the Czech state-owned company LOM Praha s.p. to the United Arab Emirates, the Panel contacted the Czech authorities, who confirmed that seven Mi-24v were sold to the United Arab Emirates and the export license granted in September 2015. The contract contained, according to the Czech authorities, a standard anti-retransfer clause. As of October 2016 the overhauled airframes and gearboxes had been delivered to the United Arab Emirates, yet not the engines and auxiliary units.

2. By the end of January 2017, the Panel received a confidential copy of a contract signed by Gen. Saqr Jerushi, the head of the LNA's Air Force for the purchase of eleven Mi-24v helicopters as well as armament to be fitted, such as 9K114 anti-tank guided missiles, GSH-23L twin-barrel auto-cannon with their container, 12.7mm machine guns, PKM machine guns (7.62x54mm), self-loading rifles (7.62x39mm), and 9mm handguns with suppressors. The technical descriptions of seven of the eleven helicopters as well as serial numbers are identical to the information provided to the Panel by the Czech authorities. Pending the progress of ongoing investigations by national law enforcement agencies, the Panel should be able to provide more details its next report.

Annex 39 Crews of Mirage F1 in Misrata

Contract signed by Gateway to MENA For Logistics Services (GTM)



TECHNICAL SERVICES CONTRACT

On this 14 September 2015, between
1. Gateway to Mena for logistic services, registered 200138167, with registered office at 43 Abdul Hamid Sharaf St. P.O. Box 950691 Amman 11195 Jordan, hereinafter referred to as "Mandator" as one of the parties,
and
2. [redacted] hereinafter referred to as "Contractor" as the other party.

1. The Mandator requires from the Contractor the services of Engine mechanic / Armament and Arming Technician / Aeronautical and Radio electrician / Body Technician for maintenance and repair of Mirage F1 aircraft (the "Services").

2. The Contractor, acting as independent contractor, undertakes the provision of the services under the conditions of this agreement.

3. The place of the Services is Libya.

4. The contract is valid for 90 days period with possible extension for another 90 days. Starting date of the Services is the date of Contractor's arrival at 19.09.2015.

5. The Contractor undertakes to execute any and all of his obligations under this agreement with due diligence, at the highest professional level, with skill and to the best of his ability, while maintaining a high professional standard, all subject and in accordance with the Mandator's needs, instructions and supervision.

While delivering the Services, the Contractor shall be fully under the operational control and shall strictly follow the instructions of an appointed Supervisor of the Mandator who will be solely responsible for their supervision, daily direction and control.

Services shall be delivered on 24/7 basis.

6. The Mandator undertakes to provide the Contractor with all the materials, consumables, etc., concerning the provision of the Services, as well as any information, required by the Contractor, necessary for the proper performance of his duties.

The Mandator undertakes to position the Contractor for execution of the Services in operational and equipped maintenance warehouses in a zone free from hostile activities.

The Mandator undertakes to provide the Contractor:

- with full hospitality of minimum 3 star accommodation on room and board basis;
- life insurance;
- health insurance.

Insurances could be dealt by the Contractor and expenses reimbursed by the Mandator, based on preliminary approval of the insurance policy and cost.

7. Remuneration of the Contractor for due delivery of his Services is agreed to be 10 000 $ monthly.

As a guarantee for the due performance of this agreement a 15% deposit is to be withhold from each payment by the Mandator and shall be payed upon the Contractor's obligations fulfillment and termination of this agreement.

Payment of the remuneration is monthly, between the 1st and the 20th of each

Gateway To MENA For Logistics Services

1

month in cash against receipt or by wire transfer to the following bank account [redacted] [redacted]

Each party shall be responsible for its own taxes, social security payments and/or banking charges, etc., in relation to this agreement.

8. The Contractor fully indemnifies the Mandator for any and all damages to health, life, profits, equipment and personal belongings, given the life and health insurance policies are validly issued and paid for. This indemnification stretches to the heirs of the Contractor. In case the heirs claim against the Mandator any payments for compensation, damage etc., the Mandator is entitled to a compensation lump sum against the Contractor's property inheritance to the amount of the claims.

9. Independent Contractor. Contractor acknowledges that he shall perform his obligations hereunder as an independent contractor and not as an employee nor agent of the Mandator. Contractor further acknowledge that he is not on Mandator's payroll and social security or tax withholding rolls.

10. This contract is terminated:

- upon its term expiration;
- by unilateral notification by the Mandator in case the Contractor fails to provide the required quality of Services – in such case the performance deposit of the Contractor serves as a compensation to the Mandator.

11. All disputes that may arise in connection with the performance of the present contract shall be settled in the way of agreement. If this proves impossible all disputes and disagreements shall be governed by and construed in accordance with Serbian Law by the courts in Belgrade.

This Agreement has been signed in two uniform copies, for each of the Parties.

For and on behalf of the Mandator:

Name: Banari Sergiu

Signature

Contractor:

[redacted]

Signature.................................

For and on behalf of the Mandator

Contractor:

Gateway To MENA
For
Logistics Services

Source: Confidential

1. The relation between Rami Ghanem and Sergiu Banari is also confirmed through the analysis of their respective Facebook accounts, adding to the information provided by a Member State. Both individuals are related through their Facebook, as well as their wives.

2. The money transfers from accounts at *Latvijas Pasta Bank* (Latvia) lead to a number of Ecuadorian citizens linked to the Ecuadorian Air Force (although their current relation with this institution is unknown). The transfers detected happened between June 2015 and December 2015. It is to be noted that Ghanem was arrested in December 2015. The companies ordering the transfers are also identified in the following table.

DATE	BENEFICIARY	CONCEPT	AMOUNT	FM	TO
18/06/2015	Individual 1	Payment for it services	9,900.00	IREWORK TRADING LP	BANCO GENERAL RUMINAHUI S.A.
18/06/2015	Individual 2	Payment for it services	9,900.00	IREWORK TRADING LP	BANCO GENERAL RUMINAHUI S.A.
15/07/2015	Individual 3	Payment for law services	9,887.00	DEAL LOGIC DOX LP	BANCO GENERAL RUMINAHUI S.A.
15/07/2015	Individual 4	Payment for law services	9,887.00	DEAL LOGIC DOX LP	BANCO GENERAL RUMINAHUI S.A.
15/07/2015	Individual 5	Payment for law services	9,887.00	DEAL LOGIC DOX LP	BANCO GENERAL RUMINAHUI S.A.
15/07/2015	Individual 1	Payment for it services	9,887.00	IREWORK TRADING LP	BANCO GENERAL RUMINAHUI S.A.
15/07/2015	Individual 2	Payment for it services	9,887.00	IREWORK TRADING LP	BANCO GENERAL RUMINAHUI S.A.
27/07/2015	Individual 6	Payment for law services	9,858.00	DEAL LOGIC DOX LP	BANCO GENERAL RUMINAHUI S.A.
15/09/2015	Individual 7	Payment for it services	9,857.00	IREWORK TRADING LP	BANCO GENERAL RUMINAHUI S.A.
15/09/2015	Individual 8	Payment for it services	9,857.00	IREWORK TRADING LP	BANCO PICHINCHA
21/09/2015	Individual 1	Payment for it services	10,175.00	IREWORK TRADING LP	BANCO GENERAL RUMINAHUI S.A.
22/09/2015	Individual 9	Payment for it services	19,826.00	IREWORK TRADING LP	BANK OF AMERICA
29/09/2015	Individual 2	Payment for law services	9,856.00	DEAL LOGIC DOX LP	BANCO GENERAL RUMINAHUI S.A.
05/10/2015	Individual 6	Payment for law services	9,857.00	DEAL LOGIC DOX LP	BANCO GENERAL RUMINAHUI S.A.

26/10/2015	Individual 1	Payment for it services	9,858.00	IREWORK TRADING LP	BANCO GENERAL RUMINAHUI S.A.
26/10/2015	Individual 9	Payment for it services	19,993.00	IREWORK TRADING LP	BANK OF AMERICA
06/11/2015	Individual 7	Payment for it services	9,857.00	IREWORK TRADING LP	BANCO GENERAL RUMINAHUI S.A.
06/11/2015	Individual 8	Payment for law services	9,857.00	DEAL LOGIC DOX LP	BANCO PICHINCHA
10/11/2015	Individual 6	Payment for law services	9,860.00	DEAL LOGIC DOX LP	BANCO GENERAL RUMINAHUI S.A.
13/11/2015	Individual 2	Payment for it services	9,860.00	IREWORK TRADING LP	BANCO GENERAL RUMINAHUI S.A.
11/12/2015	Individual 7	Payment for it services	9,808.00	IREWORK TRADING LP	BANCO GENERAL RUMINAHUI S.A.
14/12/2015	Individual 1	Payment for it services	9,808.00	IREWORK TRADING LP	BANCO GENERAL RUMINAHUI S.A.
16/12/2015	Individual 2	Payment for it services	15,690.00	IREWORK TRADING LP	BANCO GENERAL RUMINAHUI S.A.
22/12/2015	Individual 6	Payment for law services	9,870.00	DEAL LOGIC DOX LP	BANCO GENERAL RUMINAHUI S.A.

3. There are nine different individuals involved. The amounts transferred indicate that the pilots received almost USD 20,000 per month and the engineers USD 10,000. The discontinuous payments suggest that other salaries were paid from and deposited to different accounts. All of the destination accounts but one (Individual 9, actually one pilot), belong to Ecuadorian banks.

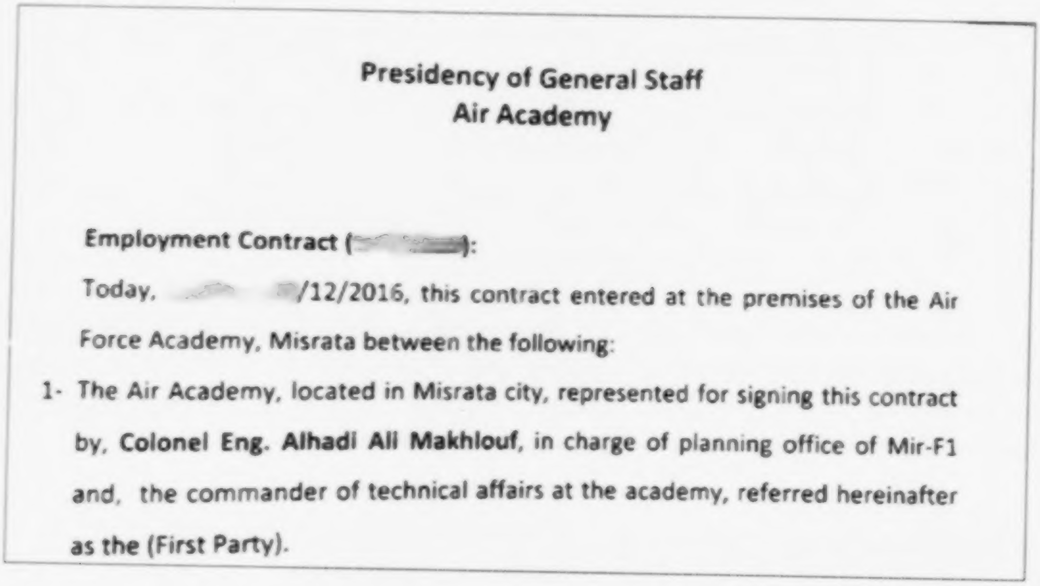
BENEFICIARY	BANCO GENERAL RUMINAHUI S.A.	BANCO PICHINCHA	BANK OF AMERICA
Individual 9			2
Individual 1	5		
Individual 7	3		
Individual 5	1		
Individual 3	1		
Individual 2	5		
Individual 8		2	
Individual 6	4		
Individual 4	1		
Total	**20**	**2**	**2**

4. The Panel is currently investigating the business network behind the two ordering customers (United Kingdom registered). This network of companies goes through the Marshall Islands back to the United Kingdom. Both ordering companies are registered at the same address in Scotland.

COMPANY	COMPANY NUMBER	ADDRESS
Deal Logic Dox LP	SL015607	12 South Bridge, Suite 1, Edinburgh, Scotland, EH1 1DD
Irework Trading LP	SL011876	12 South Bridge, Suite 1, Edinburgh, Scotland, EH1 1DD

Source: UK Companies House

5. After the arrest of Rami Ghanem, some Libyan military officers at the air force academy in Misrata have taken the lead in contracting at least one of these Ecuadorian citizens, as shown in the excerpts below:

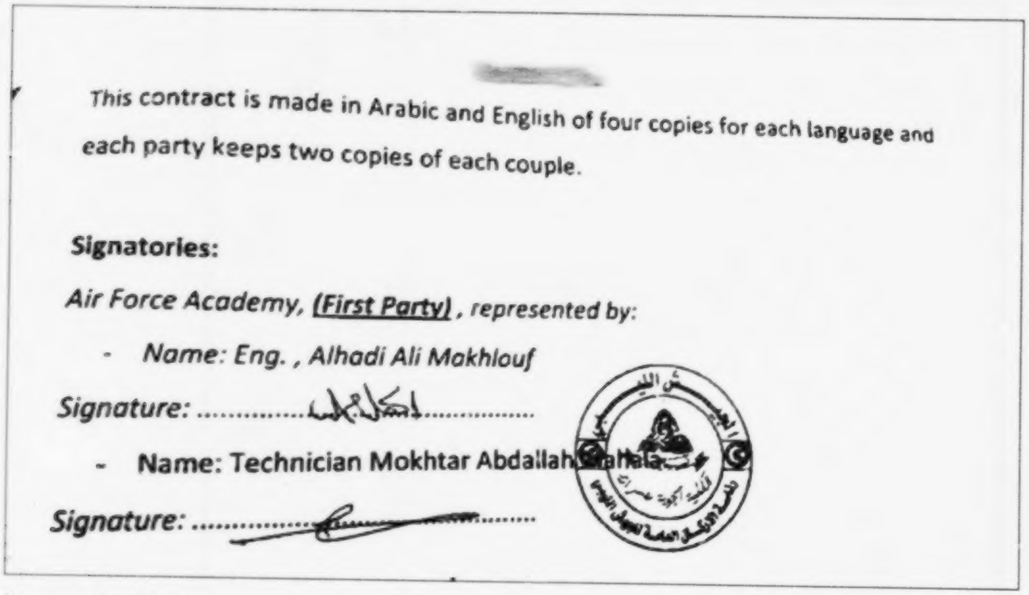


Presidency of General Staff
Air Academy

Employment Contract ([redacted]):

Today, [redacted]/12/2016, this contract entered at the premises of the Air Force Academy, Misrata between the following:

1- The Air Academy, located in Misrata city, represented for signing this contract by, **Colonel Eng. Alhadi Ali Makhlouf**, in charge of planning office of Mir-F1 and, the commander of technical affairs at the academy, referred hereinafter as the (First Party).



[redacted]

This contract is made in Arabic and English of four copies for each language and each party keeps two copies of each couple.

Signatories:

Air Force Academy, __(First Party)__, represented by:

- *Name: Eng. , Alhadi Ali Makhlouf*

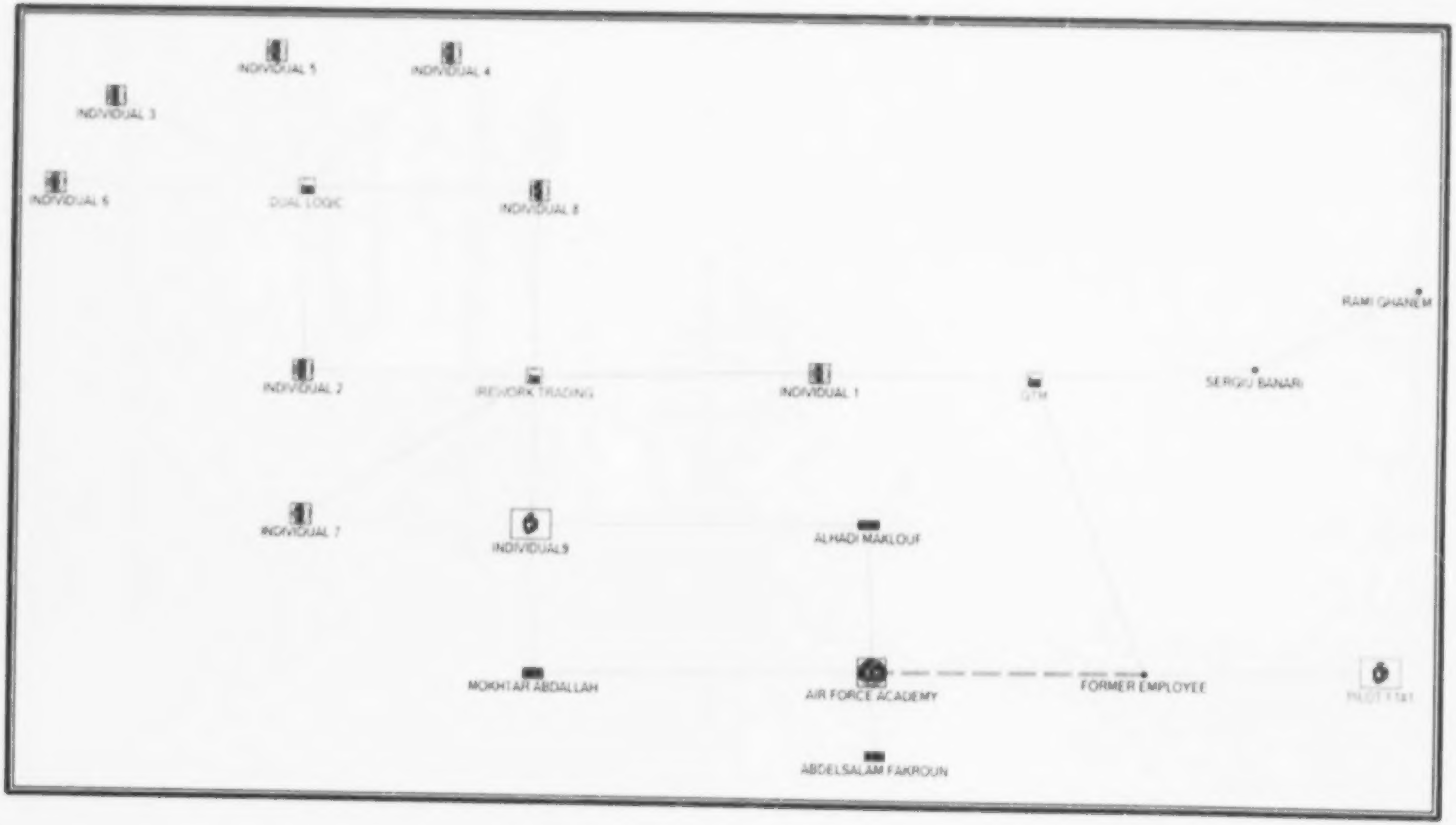
Signature: ....

- **Name: Technician Mokhtar Abdallah Shallala**

Signature: ....

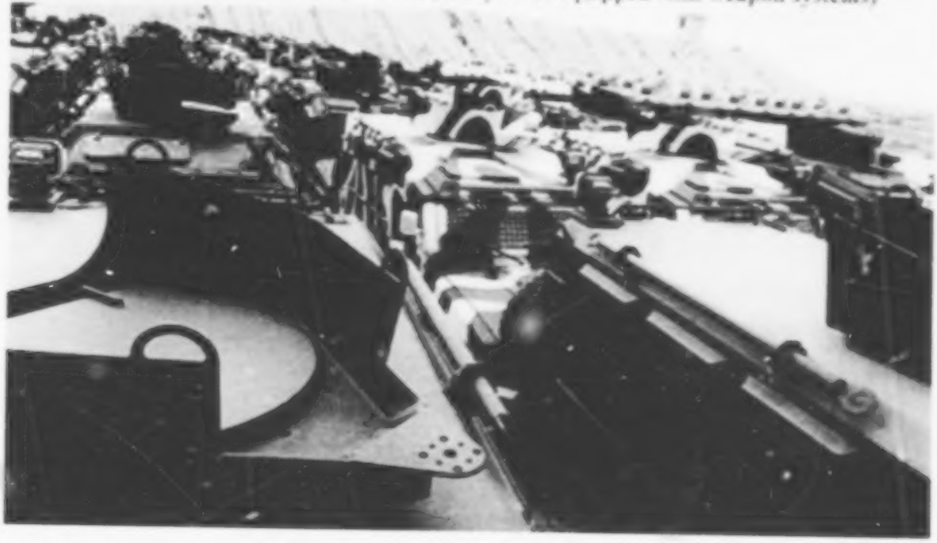
Source: Confidential

6. The following graph explains the connections. Individual 1 is the engineer mentioned in the contract arranged by GTM, shown at the beginning of this Annex. Individual 9 is the individual contracted by GTM with whom it has an altercation.

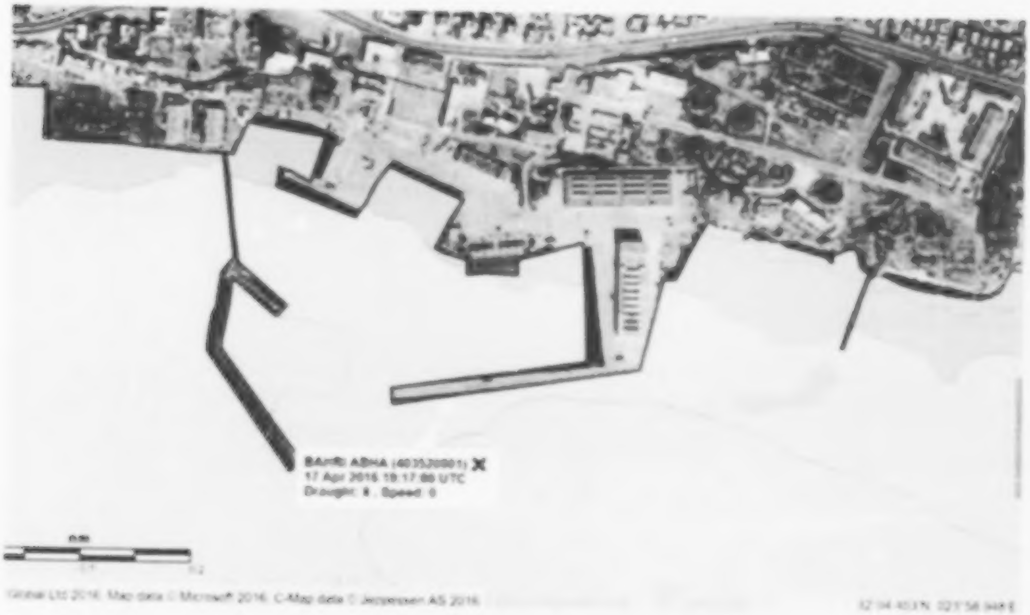

INDIVIDUAL 5
INDIVIDUAL 4
INDIVIDUAL 3
INDIVIDUAL 6
DUAL LOGIC
INDIVIDUAL 8
RAMI GHANEM
INDIVIDUAL 2
IREVORK TRADING
INDIVIDUAL 1
GTM
SERGIU BANARI
INDIVIDUAL 7
INDIVIDUAL9
ALHADI MAKLOUF
MOKHTAR ABDALLAH
AIR FORCE ACADEMY
FORMER EMPLOYEE
PILOT 1 141
ABDELSALAM FAKROUN

Annex 40 Armoured vehicles transferred to Libya

Panthera armoured vehicles with turrets (ready to be equipped with weapon systems)

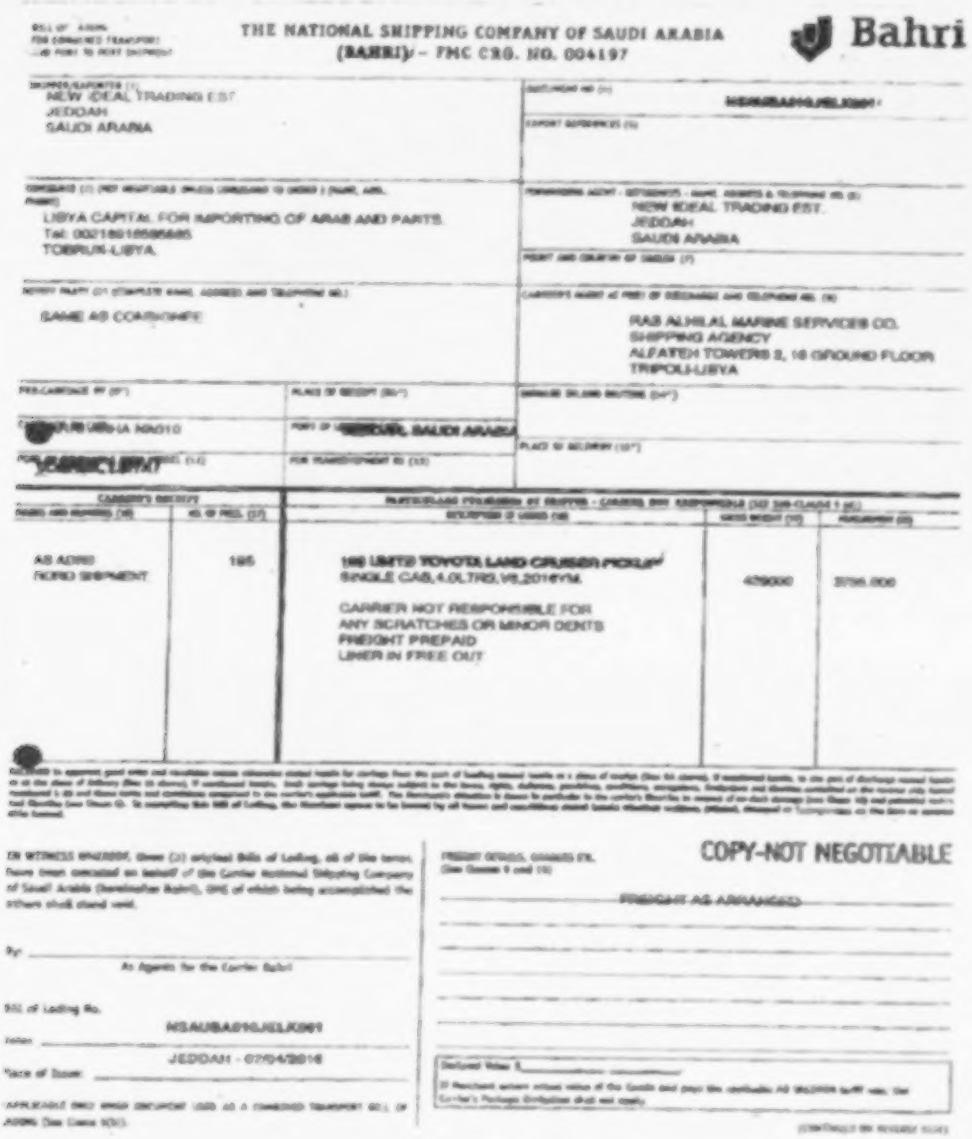


Source: Libyan Observer, 24 April 2016


BAHRI ABHA (403520001)
17 Apr 2016 19:17:00 UTC
Draught: 8 , Speed: 0
nm
0.1
0.2
Global Ltd 2016, Map data © Microsoft 2016, C-Map data © Jeppesen AS 2016
32°04.403'N, 023°58.948'E

This is the position of the vessel BAHRO ABHA while docked in Tobruk (AIS data):
32°04.403'N, 023°58.948'E

Bill of lading of the vessel 'Bahri Abha' (IMO 9620944) delivering APCs:



THE NATIONAL SHIPPING COMPANY OF SAUDI ARABIA
(BAHRI) - FMC CRG. NO. 004197

Bahri

NEW IDEAL TRADING EST
JEDDAH
SAUDI ARABIA

LIBYA CAPITAL FOR IMPORTING OF ARAB AND PARTS
Tel: 00218918585685
TOBRUK-LIBYA

SAME AS CONSIGNEE

NEW IDEAL TRADING EST.
JEDDAH
SAUDI ARABIA

RAS ALHILAL MARINE SERVICES CO.
SHIPPING AGENCY
ALFATEH TOWERS 2, 10 GROUND FLOOR
TRIPOLI-LIBYA

MA010

SAUDI ARABIA

AS ADDD RORO SHIPMENT	195	195 UNITS TOYOTA LAND CRUISER PICKUP SINGLE CAB,4.0LTRS,V6,2016YM CARRIER NOT RESPONSIBLE FOR ANY SCRATCHES OR MINOR DENTS FREIGHT PREPAID LINER IN FREE OUT	429000	3706.000

IN WITNESS WHEREOF, three (3) original Bills of Lading, all of this tenor, have been executed on behalf of the Carrier National Shipping Company of Saudi Arabia (hereinafter Bahri), ONE of which being accomplished the others shall stand void.

By: ______
As Agents for the Carrier Bahri

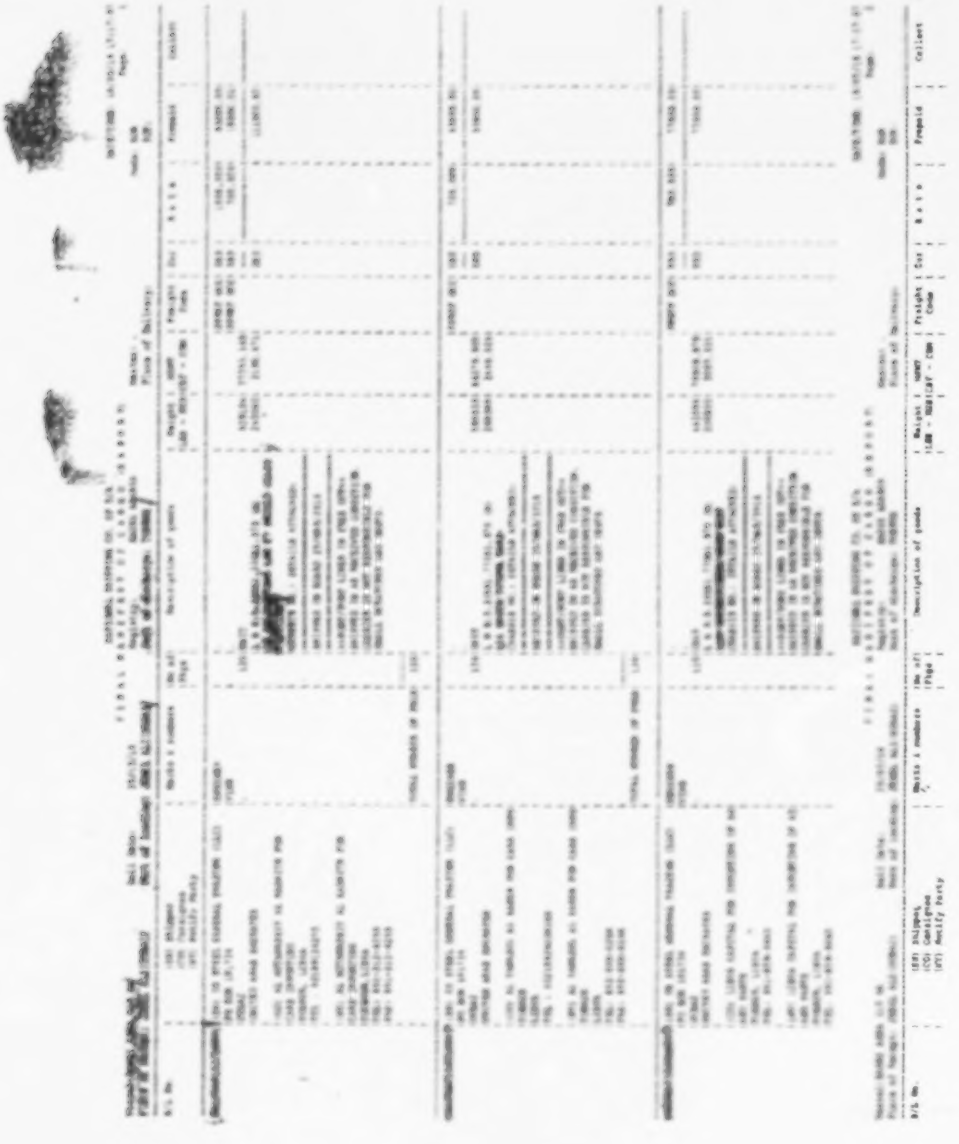
Bill of Lading No.
NSAUBA016JELK001

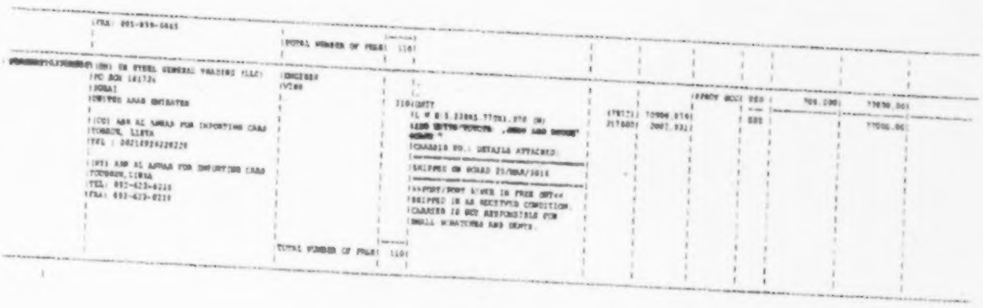
Place and Date of Issue: JEDDAH - 07/04/2016

COPY-NOT NEGOTIABLE

FREIGHT AS ARRANGED

Declared Value $ ______





TOTAL NUMBER OF PKGS: 110

UNITED ARAB EMIRATES

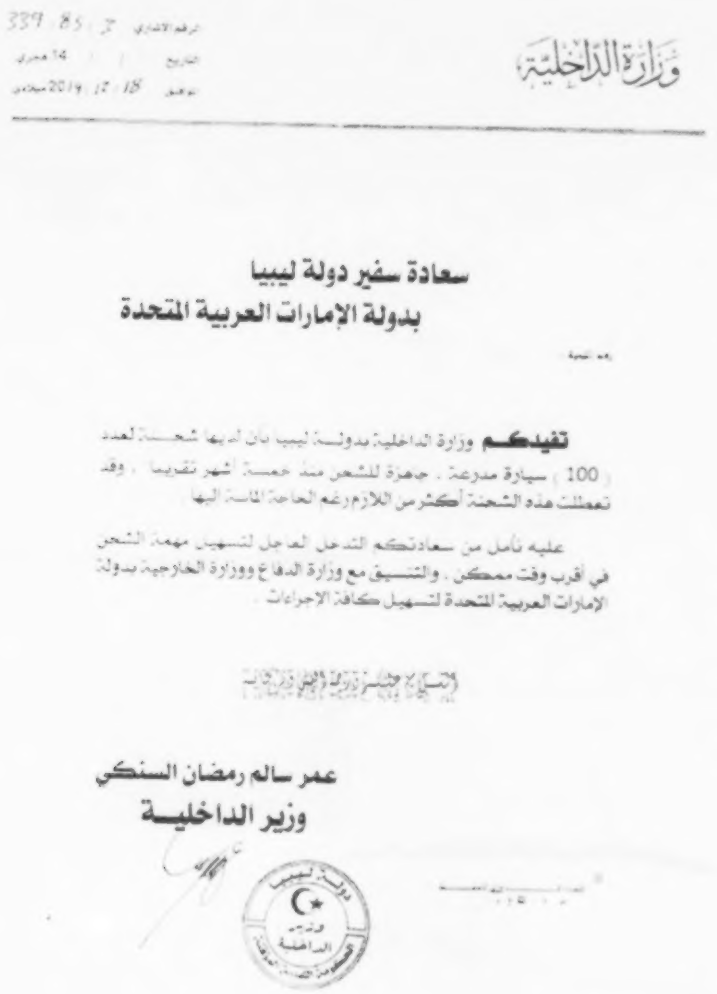
CHASSIS NO.: DETAILS ATTACHED

SHIPPED IN AS RECEIVED CONDITION.
CARRIER IS NOT RESPONSIBLE FOR
SMALL SCRATCHES AND DENTS.

TOTAL NUMBER OF PKGS: 110

Source: Kingdom of Saudi Arabia

Letter from the former Libyan Minister of Interior dated 18 December 2014 asking the Libyan Ambassador to the United Arab Emirates to intervene in the blockage of the transfer of 100 armoured vehicles and coordinate with the United Arab Emirates Ministries of Defence and Foreign Affairs.



وزارة الداخلية

الرقم الإشاري: ج . 85 . 339
التاريخ: / / 14 هجري
الموافق: 18 / 12 / 2014 ميلادي

سعادة سفير دولة ليبيا
بدولة الإمارات العربية المتحدة

بعد التحية

تفيدكم وزارة الداخلية بدولة ليبيا بأن لديها شحنة لعدد (100) سيارة مدرعة ، جاهزة للشحن منذ خمسة أشهر تقريبا ، وقد تعطلت هذه الشحنة أكثر من اللازم رغم الحاجة الماسة إليها .

عليه نأمل من سعادتكم التدخل العاجل لتسهيل مهمة الشحن في أقرب وقت ممكن ، والتنسيق مع وزارة الدفاع ووزارة الخارجية بدولة الإمارات العربية المتحدة لتسهيل كافة الإجراءات .

[illegible]

عمر سالم رمضان السنكي
وزير الداخليــة

Source: MSPV, 2015

Annex 41 Vehicles Delivered to Tobruk for LNA Affiliated Armed Groups

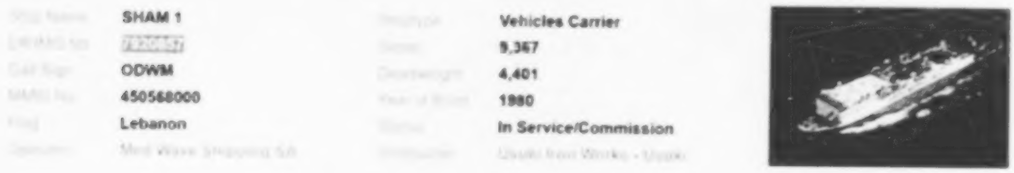
1. The Panel received from several sources information on a delivery of over 300 Toyota pickups and armoured Landcruisers to Tobruk on 16 January 2017. A verification of maritime data showed that the only vessel appropriate to carrying vehicles and docked in Tobruk is the SHAM 1.

2. The SHAM 1 (IMO 7920857) is a vehicle carrier. It called at Tobruk port on 16 Jan 2017, mooring for 36 hours.

7920857	Tobruk	Libya	**15-Jan-17 07:11**	**2017-01-16**	SHAM 1	VEHICLES CARRIER	Med Wave Shipping SA
7920857	Tobruk	Libya	19-Dec-16 19:51	2016-12-21	SHAM 1	VEHICLES CARRIER	Med Wave Shipping SA
7920857	Tobruk	Libya	07-Nov-16 10:05	2016-11-07	SHAM 1	VEHICLES CARRIER	Med Wave Shipping SA
7920857	Tobruk	Libya	23-Oct-15 22:44	2015-10-23	SHAM 1	VEHICLES CARRIER	Med Wave Shipping SA

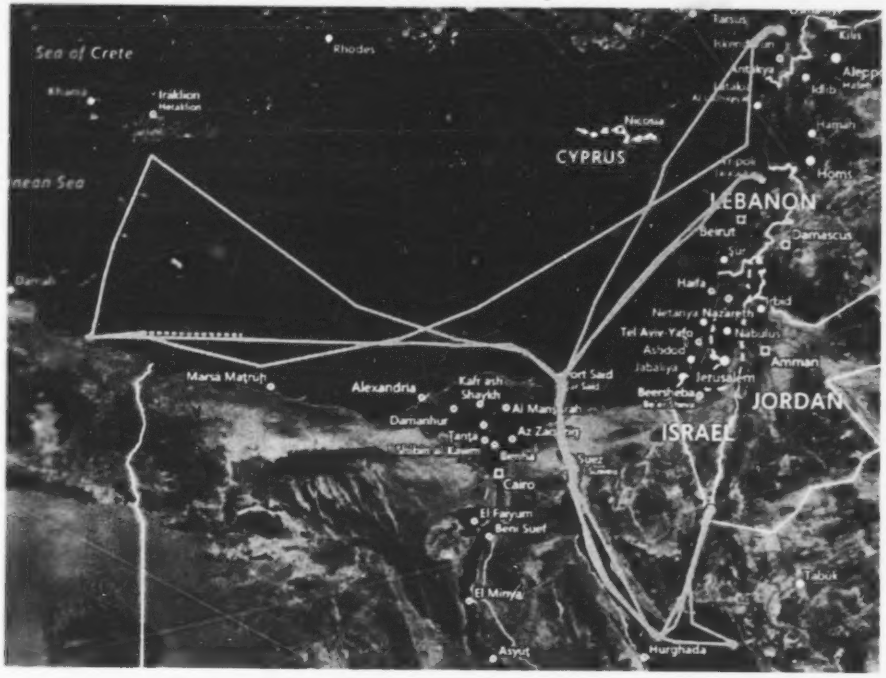
Source: IHS Seaweb

3. The vessel's details are:



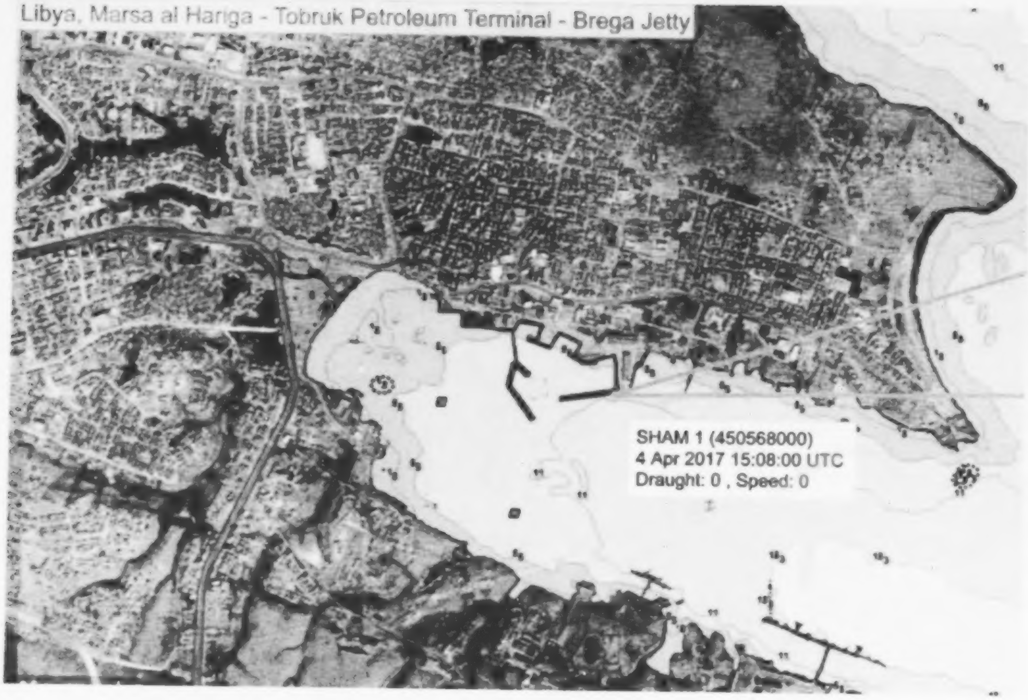
Ship Name	**SHAM 1**	Shiptype	**Vehicles Carrier**
LR/IMO No	7920857	Gross	**5,367**
Call Sign	**ODWM**	Deadweight	**4,401**
MMSI No	**450568000**	Year of Build	**1980**
Flag	**Lebanon**	Status	**In Service/Commission**
Operator	Med Wave Shipping SA	Shipbuilder	Usuki Iron Works - Usuki

The vessels movements from October 2016 to January 2017


Sea of Crete
Rhodes
Iraklion
Heraklion
nean Sea
Darnah
CYPRUS
Nicosia
Tarsus
Kilis
Antakya
Aleppo
Idlib
Hamah
Homs
LEBANON
Beirut
Damascus
Sur
Haifa
Irbid
Netanya
Nazareth
Tel Aviv-Yafo
Nabulus
Ashdod
Jabalya
Jerusalem
Amman
Beersheba
JORDAN
ISRAEL
Marsa Matruh
Alexandria
Kafr ash Shaykh
Al Mansurah
Damanhur
Tanta
Az Zaqaziq
Shibin al Kawm
Benha
Port Said
Suez
Cairo
El Faiyum
Beni Suef
El Minya
Asyut
Hurghada
Tabuk

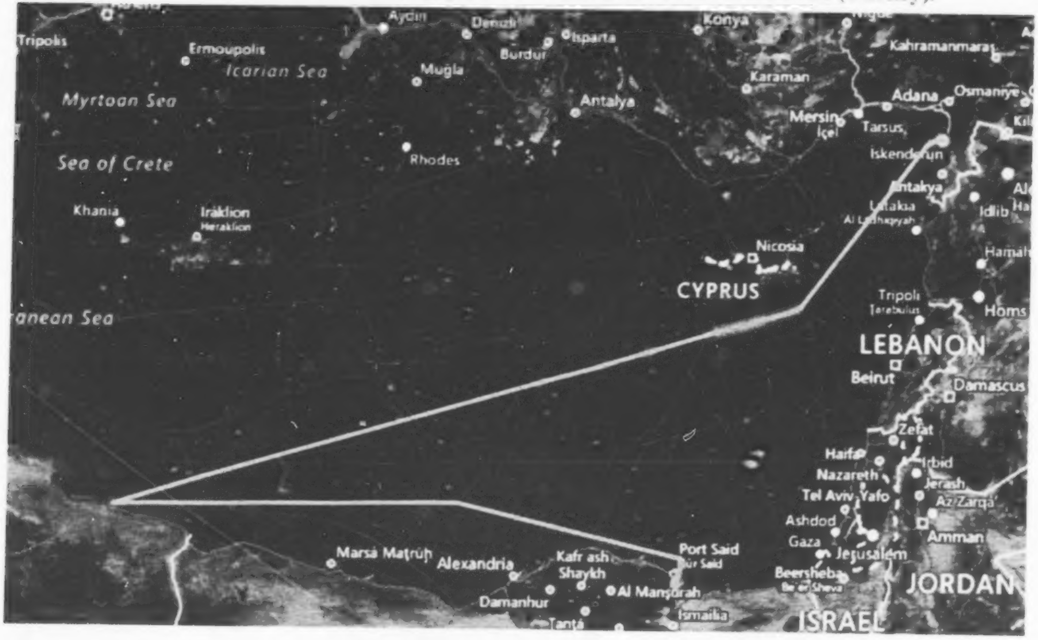
Source: IHS Seaweb

4. The Panel had further received confidential information that another delivery to Tobruk was conducted on 4 April 2017. Again, maritime data showed the SHAM 1 docked at the port.


Libya, Marsa al Hariga - Tobruk Petroleum Terminal - Brega Jetty
SHAM 1 (450568000)
4 Apr 2017 15:08:00 UTC
Draught: 0 , Speed: 0

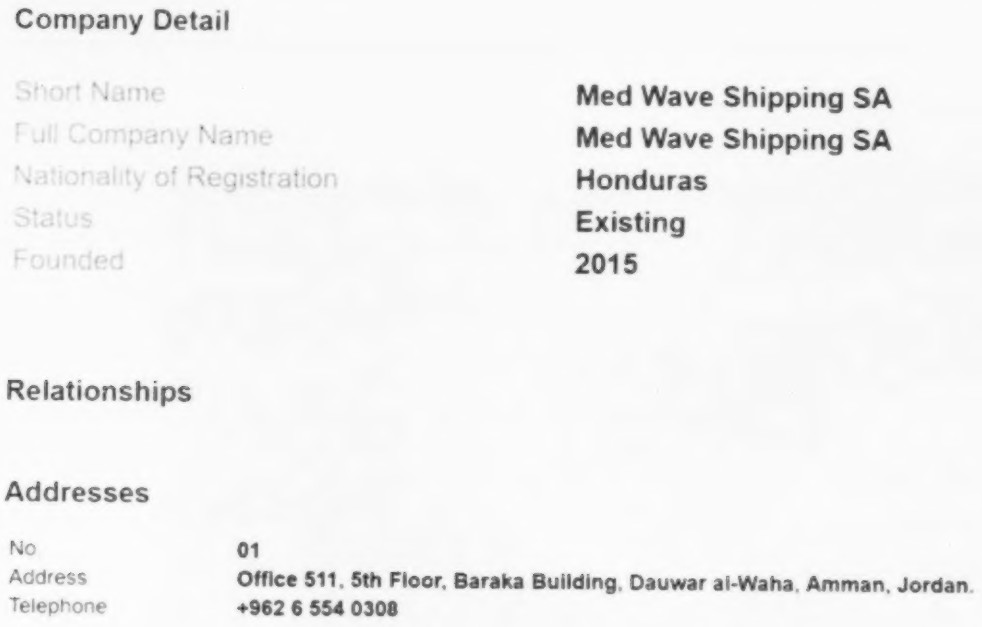
Source: IHS Seaweb

The SHAM 1 arrived from Port Said (Egypt) to Tobruk and then to Iskanderun (Turkey).


Tripolis
Ermoupolis
Icarian Sea
Aydin
Denizli
Isparta
Burdur
Mugla
Konya
Kahramanmaras
Karaman
Antalya
Adana
Osmaniye
Mersin
Içel
Tarsus
Iskenderun
Myrtoan Sea
Sea of Crete
Rhodes
Antakya
Lataksa
Al Ladhiqiyah
Idlib
Khania
Iraklion
Heraklion
Nicosia
Hamah
CYPRUS
Tripoli
Tarabulus
Homs
anean Sea
LEBANON
Beirut
Damascus
Zefat
Haifa
Irbid
Nazareth
Jerash
Tel Aviv-Yafo
Az Zarqa'
Ashdod
Amman
Gaza
Port Said
Bur Said
Jerusalem
Marsa Matruh
Alexandria
Kafr ash Shaykh
Beersheba
Be'er Sheva
JORDAN
Al Mansurah
Damanhur
Ismailia
Tanta
ISRAEL

Source: IHS Seaweb

5. The owner of the SHAM 1, Med Wave Shipping SA, is registered in Amman, Jordan. The Panel continues to investigate who chartered the vessel. However, the IHS data also shows that the vessel is listed by the Office of Foreign Assets Control (OFAC) of the U.S. Department of Finance since January 2015, when it was still registered under the name of CITY OF MISURATA. The listing seems to be linked to the former owner of the vessel, Merhi Ali Abou Merhi, a Lebanese businessman linked to Hizbollah through a ring of companies (money laundering according to the OFAC).[22] Abou Merhi led the *Joumaa* criminal organization.[23] It should be noted that the SHAM 1 still flies the Lebanese flag and that the ownership of the vessel changed to a new company at the moment the vessel was listed.



Company Detail

Short Name	**Med Wave Shipping SA**
Full Company Name	**Med Wave Shipping SA**
Nationality of Registration	**Honduras**
Status	**Existing**
Founded	**2015**

Relationships

Addresses

No	**01**
Address	**Office 511, 5th Floor, Baraka Building, Dauwar al-Waha, Amman, Jordan.**
Telephone	**+962 6 554 0308**

Source: IHS Seaweb

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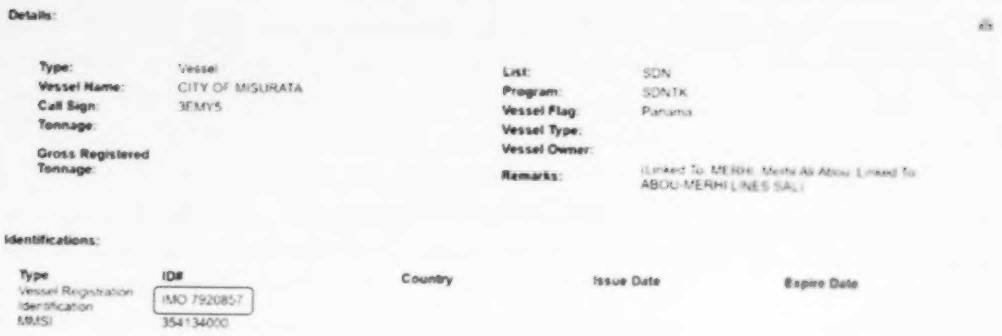
[22] https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20151001.aspx.

[23] http://yalibnan.com/2016/03/09/us-denies-lebanese-businessman-merhi-abou-merhi-was-cleared-over-links-with-hezbollah/.



Details:

Type: Vessel
Vessel Name: CITY OF MISURATA
Call Sign: 3EMY5
Tonnage:
Gross Registered Tonnage:

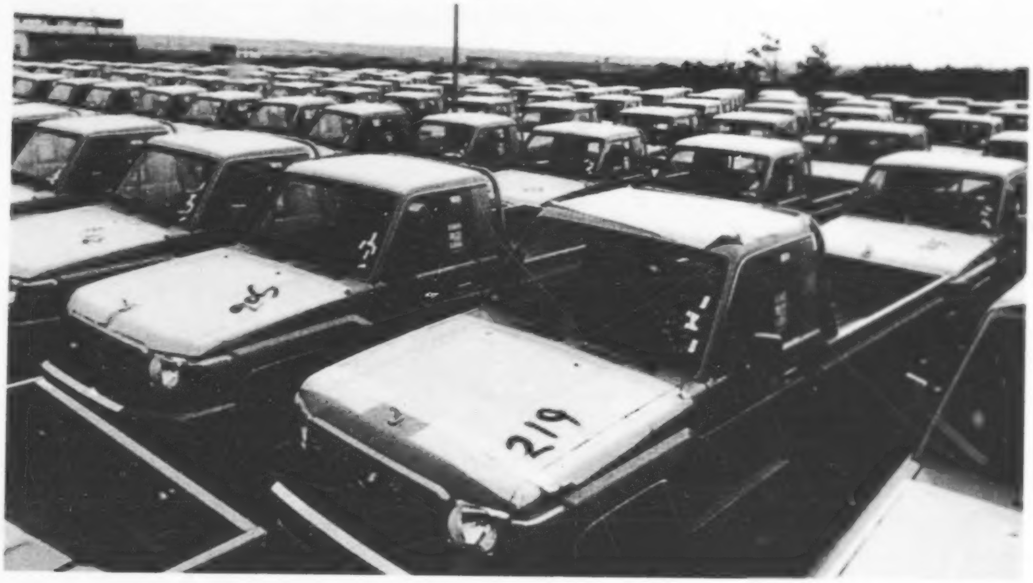
List: SDN
Program: SDNTK
Vessel Flag: Panama
Vessel Type:
Vessel Owner:
Remarks: (Linked To: MERHI, Merhi Ali Abou; Linked To: ABOU-MERHI LINES SAL)

Identifications:

Type	ID#	Country	Issue Date	Expire Date
Vessel Registration Identification	IMO 7920857			
MMSI	354134000			

Source: OFAC

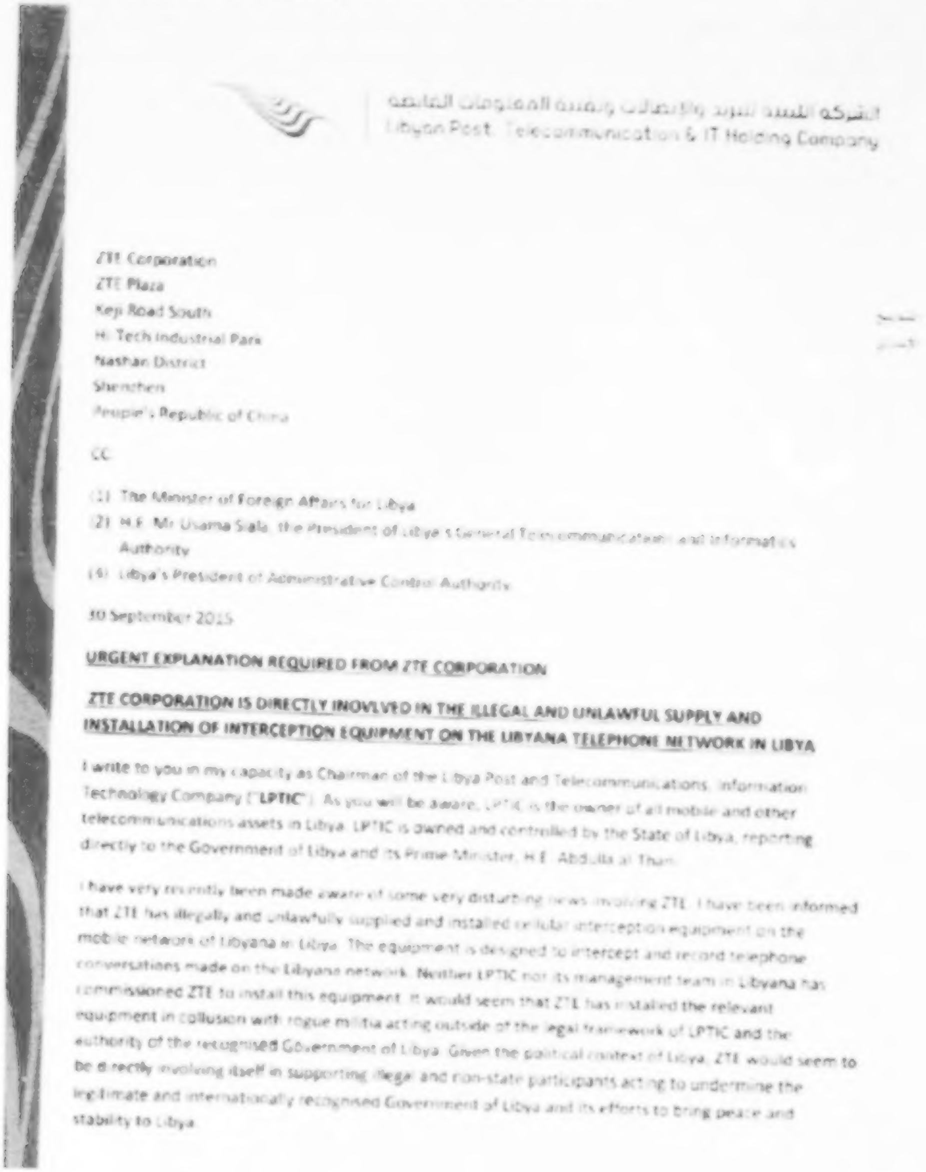
Photograph: Toyotas HZJ 79 delivered to Tobruk



Source: Confidential

Annex 42 Interception equipment

Page 1 of a letter of complaint by LPTIC Chairman to ZTE



الشركة الليبية للبريد والاتصالات وتقنية المعلومات القابضة
Libyan Post, Telecommunication & IT Holding Company

ZTE Corporation
ZTE Plaza
Keji Road South
Hi Tech Industrial Park
Nashan District
Shenzhen
People's Republic of China

CC

(1) The Minister of Foreign Affairs for Libya
(2) H.E. Mr Usama Siala, the President of Libya's General Telecommunications and Informatics Authority
(3) Libya's President of Administrative Control Authority

30 September 2015

URGENT EXPLANATION REQUIRED FROM ZTE CORPORATION

ZTE CORPORATION IS DIRECTLY INOVLVED IN THE ILLEGAL AND UNLAWFUL SUPPLY AND INSTALLATION OF INTERCEPTION EQUIPMENT ON THE LIBYANA TELEPHONE NETWORK IN LIBYA

I write to you in my capacity as Chairman of the Libya Post and Telecommunications, Information Technology Company ("**LPTIC**"). As you will be aware, LPTIC is the owner of all mobile and other telecommunications assets in Libya. LPTIC is owned and controlled by the State of Libya, reporting directly to the Government of Libya and its Prime Minister, H.E. Abdulla al Thani.

I have very recently been made aware of some very disturbing news involving ZTE. I have been informed that ZTE has illegally and unlawfully supplied and installed cellular interception equipment on the mobile network of Libyana in Libya. The equipment is designed to intercept and record telephone conversations made on the Libyana network. Neither LPTIC nor its management team in Libyana has commissioned ZTE to install this equipment. It would seem that ZTE has installed the relevant equipment in collusion with rogue militia acting outside of the legal framework of LPTIC and the authority of the recognised Government of Libya. Given the political context of Libya, ZTE would seem to be directly involving itself in supporting illegal and non-state participants acting to undermine the legitimate and internationally recognised Government of Libya and its efforts to bring peace and stability to Libya.

Source: LPTIC

Annex 43 Private Security Company Activity

RSB

1. The Russian RSB-group has confirmed that it was contracted to clear an industrial facility from mines and IEDs in Benghazi.[24] Oleg Krinistyn, founder, of RSB-group, had already mentioned in an interview on 28 September 2016 that 86 of his employees were involved in demining, but did not disclose the contractor's name.[25] A commander of the Libyan Air Force denied that Libya had contracted any private military company and later the spokesman of the LNA, Col. al-Mesmari, insisted that the RSB-group had been contracted by the Libyan Cement Company.[26]

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[24] "Russia's RSB-Group Demined Plant in Libya on Country's Official Request – CEO", Sputnik News, 13 March 2017, https://sputniknews.com/middleeast/201703131051530014-rsb-libya-demining-request/.

[25] Pierre Avril, "Les mercenaires russes sortent de l'ombre en Syrie", Le Figaro, Paris 28 September 2016, p.14.

[26] "Russian Private Company in Benghazi Hired by Cement Company, Not Armed Forces", Sputmik News, 13 March 2017, https://sputniknews.com/middleeast/201703131051522699-russia-benghazi-libya-military-company/.

Annex 44 Tunisian seizures of materiel from Libya

AK-47 Type (AKM) self-loading rifle					
	Serial number				
	Year	Number		Country of Production	Factory/Producer
1	1977	976652		Russia	Tula Arsenal
2	1977	406296		Russia	Tula Arsenal
3	1975	865780		Russia	Tula Arsenal
4	1975	866165		Russia	Tula Arsenai
5	89	11693		Egypt	
6	1975	585307		Russia	Tula Arsenal
7	1963	EC2080		Russia	Tula Arsenal
8	1977	945342		Russia	Tula Arsenal
9	1977	954558		Russia	Tula Arsenal
10	1977	932306		Russia	Tula Arsenal
11	1977	918703		Russia	Tula Arsenal
12	1971	KU 6657		Russia	Izhevsk
13	1976	256460		Russia	Izhevsk
14	82	KV 7061		East Germany	
15	1975	840826		Russia	Tula Arsenal
16	1975	8194[illegible]7		Russia	Tula Arsenal
17	1978	RW 1740		Romania	Romania
18	1985	PM 0001		Romania	Romania
19	1985	2770		Romania	Romania

AKM (folding stock) self-loading rifle					
	Serial number				
	Year	Number		Country	Factory
3	1977	PP07939		Poland	Poland
4	1986	301863		Yougoslavia	Zastava

Type 56-1 self-loading rifle			
	Serial number	Country	Factory
1	18012173	China	Norinco
2	846797	China	313

AK-103 2 self-loading rifle					
	Serial number				
	Year	Number		Country	Factory
1	2005	051453705		Russia	Izhevsk
2	2006	061384485		Russia	Izhevsk
3	2007	071410072		Russia	Izhevsk
4	2007	071495587		Russia	Izhevsk
5	2005	051443114		Russia	Izhevsk
6	2005	051485721		Russia	Izhevsk
7	2008	081430812		Russia	Izhevsk
8	2008	081363184		Russia	Izhevsk
9	2007	071405819		Russia	Izhevsk
10	2005	051463138		Russia	Izhevsk
11	2007	071492017		Russia	Izhevsk
12	2005	051364737		Russia	Izhevsk
13	2007	071420705		Russia	Izhevsk
14	2007	071421333		Russia	Izhevsk
15	2007	071458363		Russia	Izhevsk
16	2007	071376559		Russia	Izhevsk
17	2007	071496377		Russia	Izhevsk
18	2007	071448896		Russia	Izhevsk

Torun over-under shotgun					
	Serial number				
	Year	Number		Country	
1	2015	0027		Turkey	Torun Silah Sanayi
2	2015	0031		Turkey	Torun Silah Sanayi
3	2015	0035		Turkey	Torun Silah Sanayi
4	2015	0043		Turkey	Torun Silah Sanayi
5	2015	0048		Turkey	Torun Silah Sanayi
6	2015	0051		Turkey	Torun Silah Sanayi
7	2015	0052		Turkey	Torun Silah Sanayi
8	2015	0275		Turkey	Torun Silah Sanayi
9	2015	0415		Turkey	Torun Silah Sanayi
10	2015	0431		Turkey	Torun Silah Sanayi

1. Seized material also included:

6 FN-FAL self-loading rifles

4 PKM machine guns

1 FN Herstal MAG machine gun

2 Dragunov SVD designated marksman rifles

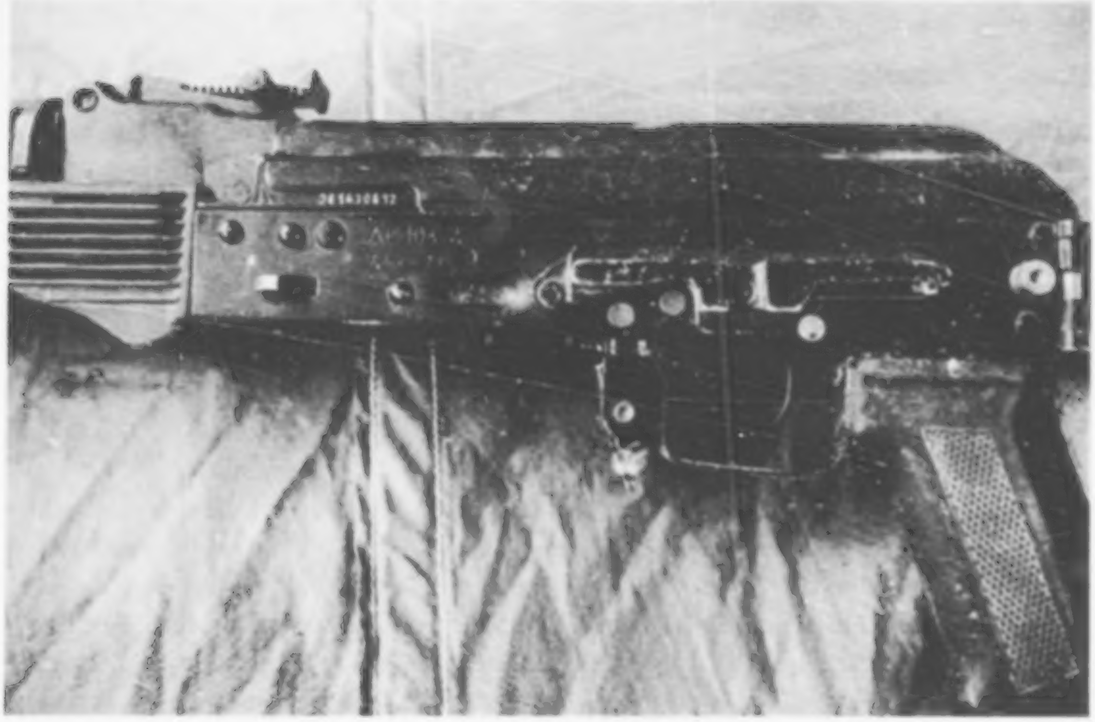
2 DShK 12.7mm heavy infantry machine guns

Over 240 7.62×39mm box magazines (steel and plastic)

AK 103-2

2. In previous years, the Panel regularly documented AK 103-2 seized from terrorist groups in Tunisia (see S/2013/99 para 122) and other neighbouring countries (S/2014/106 para 118 and 138). Those were usually limited to two to three rifles and in most cases, the Russian Federation could confirm their deliveries to Libya between 2005 and 2008. The Tunisian authorities secured at least ten AK 103-2 during or in the aftermath of the Ben Guerdane attack. The Panel continues to observe AK 103-2 originating from Libya used in neighbouring countries by extremist groups. Libya remains an important source of armament for extremist armed groups in the region.

Photograph: AK 103-2 self-loading rifles produced between 2005 and 2008

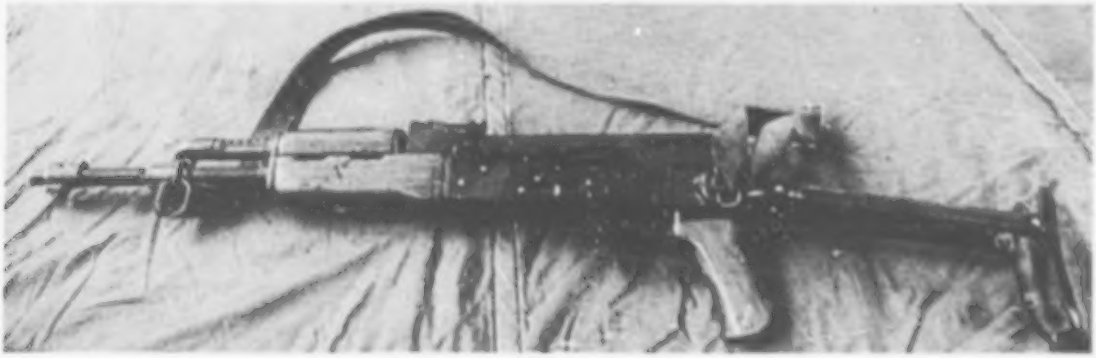


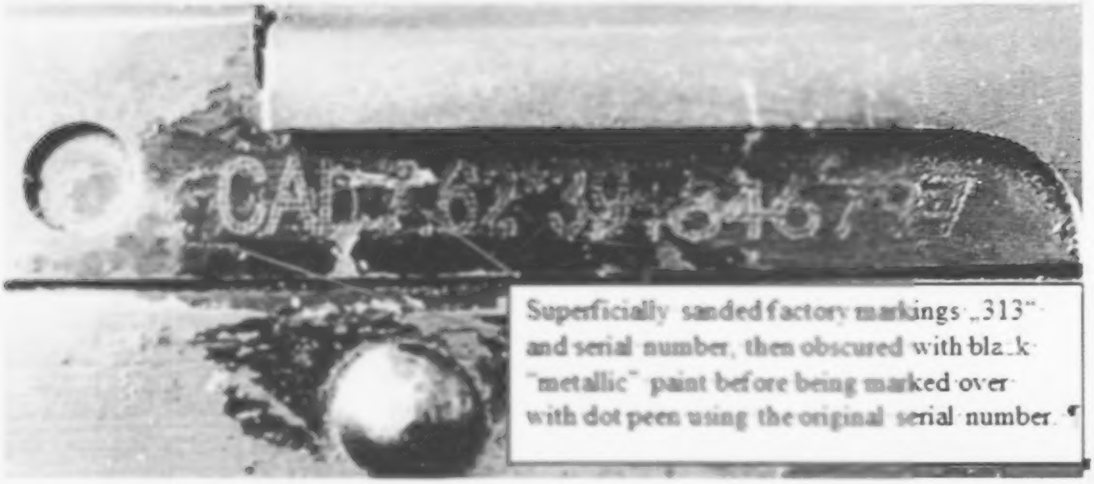
Source: Panel of Experts, Tunis, January 2016

Type 56-1

3. The Panel noticed that one of the Type 56-1 rifles used during the attack by ISIL elements showed peculiar signs of an attempt to obscure the original factory markings. The technique applied seems superficial and odd as it does not remove the serial number.

Photograph: Type 56-1 self-loading rifle 1 with Serial Number 4846797, Factory 313, sanded and blackened markings





Superficially sanded factory markings „313" and serial number, then obscured with black "metallic" paint before being marked over with dot peen using the original serial number.

Source: Panel of Experts, Tunis, January 2016

4. The Panel's investigations highlighted that a similar technique was applied to other Type 56-1 rifles previously documented in the wider region (Group of Experts on Côte d'Ivoire, S/2016/254, Annexes 13c and 13d; S/2013/228, Annex 16). In April 2011 the Small Arms Survey documented in South Sudan a Type 56-1 rifle seized by the SLPA from Athor's SSDM/A.[27] The Panel continues to investigate the source of these modified markings of rifles.

Photograph: Type 56-1 with Serial Number 48126446, Factory 313:

Source: Small Arms Survey

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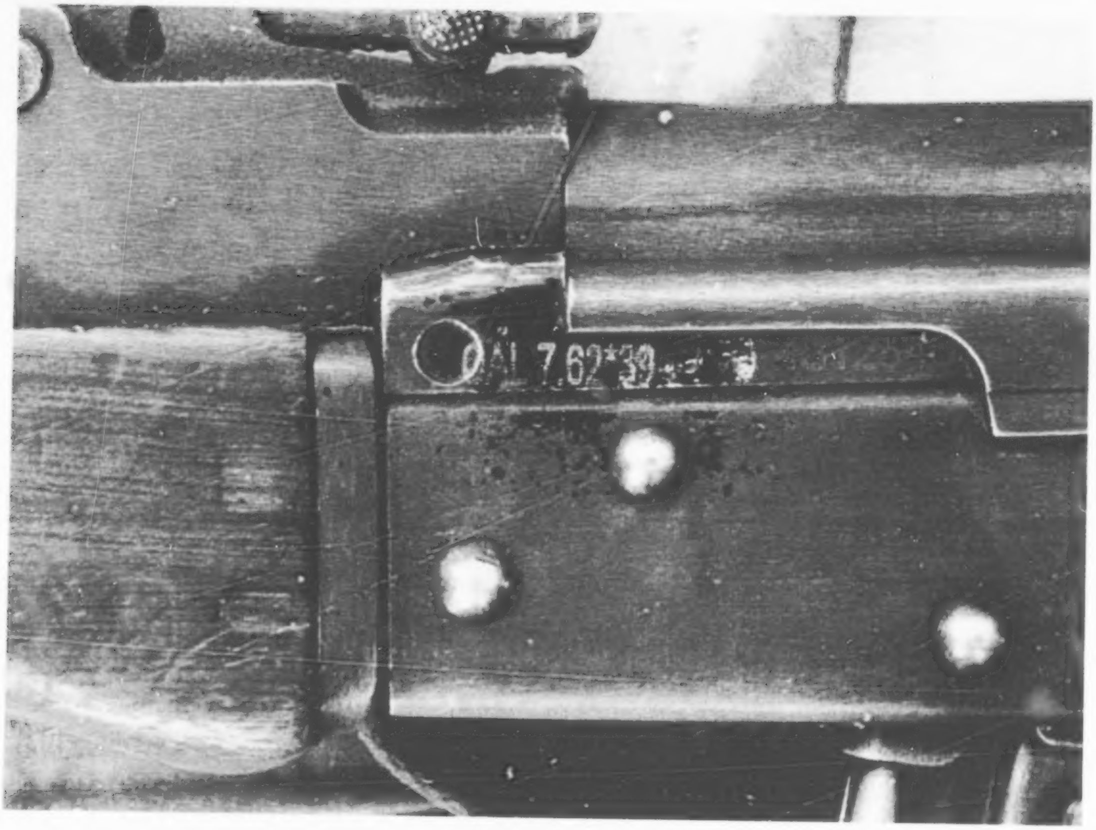
[27] Jonah Leff and Emile LeBrun, 'Following the Thread: Arms and Ammunition Tracing in Sudan and South Sudan', Working Paper 32, Small Arms Survey, Geneva, p.47. http://www.smallarmssurveysudan.org/fileadmin/docs/working-papers/HSBA-WP32-Arms-Tracing.pdf.



Source: Small Arms Survey, Jongelei, South Sudan, April 2011

Detonators

5. The detonator/blasting cap shown below is an example of one of 137 such items.

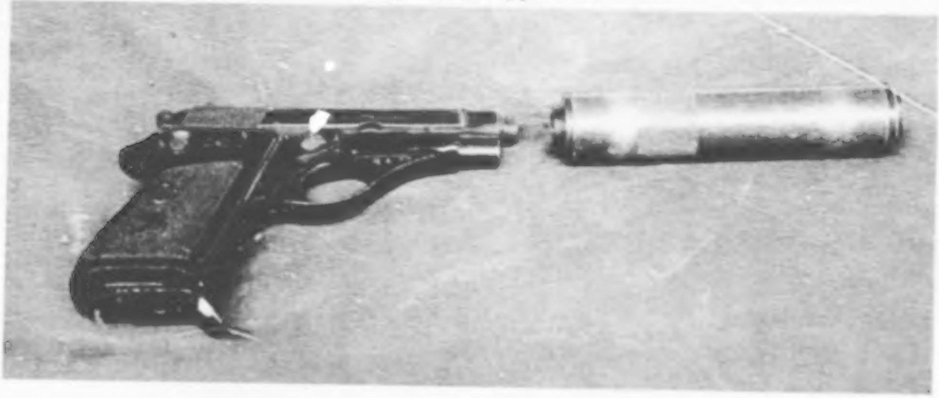
Photograph: Hercules Powder Company detonator

Source: Panel of Experts, January 2017

6. The blasting caps are manufactured by the Hercules Powder Company of Wilmington, Delaware. Panel research has shown that Hercules Powder Company was merged with Ashland Inc. in 2008, however it is not clear if the Hercules brand name is still used.

Baretta MOD. 70

Photograph: Beretta MOD. 70 7.65mm, Serial Number A81171, which has a screw fitting at the front of the barrel for the attachment of an accompanying suppressor.



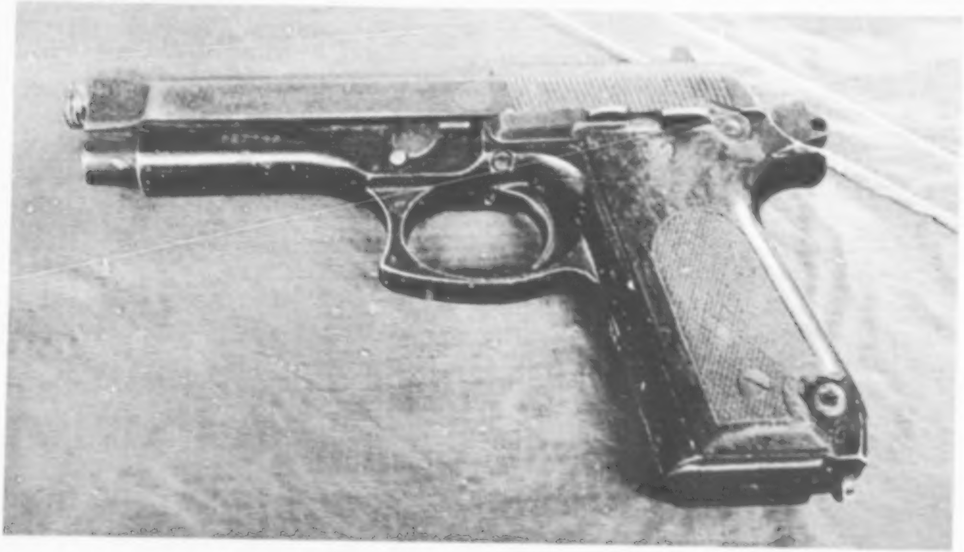
Source: Panel of Experts, January 2017

7. This pistol was manufactured on 9 October 1964. It was not registered with the police and there is no further information available on the date or destination of its export from Italy.

Taurus PT-92

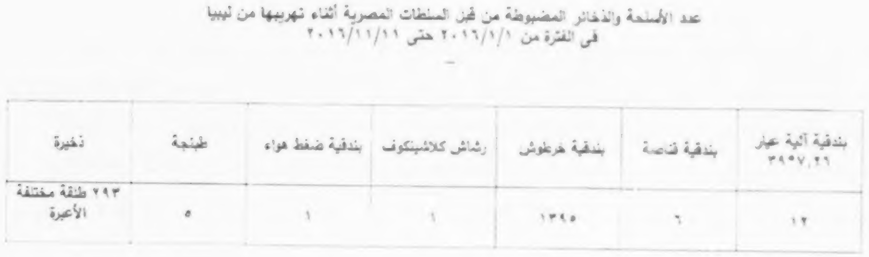
8. The Taurus PT-92 9mm Para. Serial Number B27792 also has a screw fitting for the attachment of the suppressor. The Panel has received no response to enquiries to identify the supply route of this weapon.

Photograph: Tuarus PT-92 Pistol



Source: Panel of Experts, January 2017

Annex 45 Egyptian seizures of materiel from Libya



عدد الأسلحة والذخائر المضبوطة من قبل السلطات المصرية أثناء تهريبها من ليبيا
فى الفترة من ١/١/٢٠١٦ حتى ١١/١١/٢٠١٦

بندقية آلية عيار ٣٩*٧,٢٦	بندقية قناصة	بندقية خرطوش	رشاش كلاشينكوف	بندقية ضغط هواء	طبنجة	ذخيرة
١٢	٦	١٣٩٥	١	١	٥	٢٩٣ طلقة مختلفة الأعيرة

Weapons and ammunition seized by the Egyptian authorities in the course of being smuggled from Libya between 1 January 2016 and 11November 2016

7.26x39 automatic rifles	*Sniper rifles*	*Shotguns*	*Kalashnikov machine guns*	*Air pressure rifles*	*Pistols*	*Ammunition*
12	6	1395	1	1	5	293 rounds of assorted calibres

Source: Egyptian Ministry of Foreign Affairs

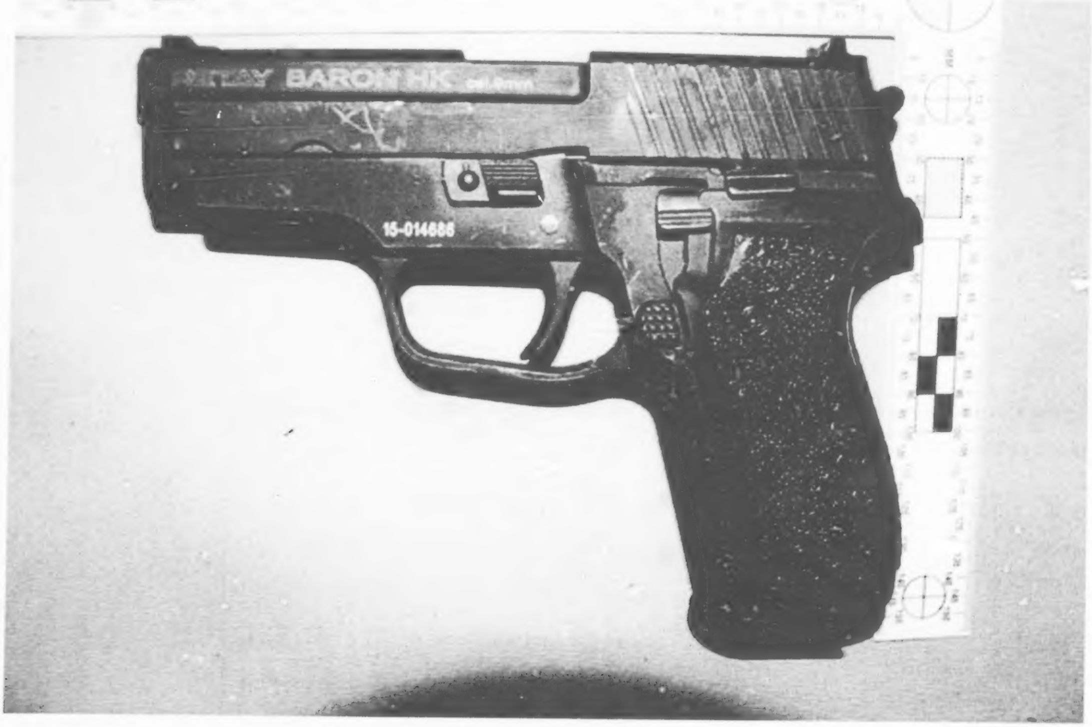
Annex 46 Transfers to Niger

1. Nigerien officials informed the Panel that overall they had seen a reduction in the scale of arms trafficking from Libya with a number of smaller seizures having been identified as having occurred in 2017. This is also confirmed by two recent studies by Conflict Armament Research and the Small Arms Survey.[28]

2. The first of these, termed the Abalak Seizure, saw the attempted movement of weapons from Libya to West African gangs. Two migrants being used as 'mules' to transport weapons were intercepted and a quantity of munitions recovered. Most of the arms recovered were modified blank firing pistols with the ammunition consisting of blank rounds converted to fire steel ball bearings.

Photographs of materiel seized by Niger; source for all photographs unless stated otherwise: Panel of Experts

Photograph: Retay Baron HK Blank Pistol



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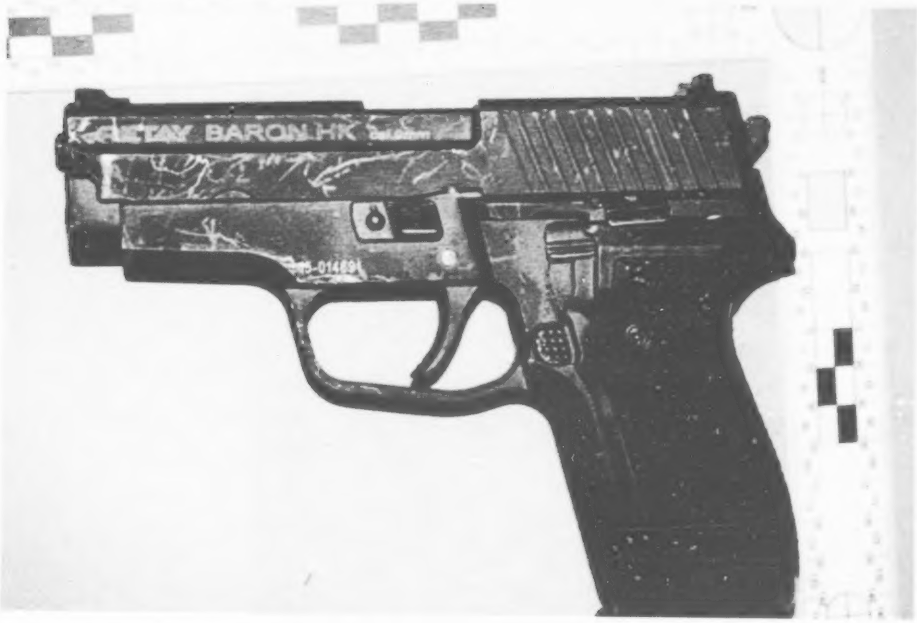
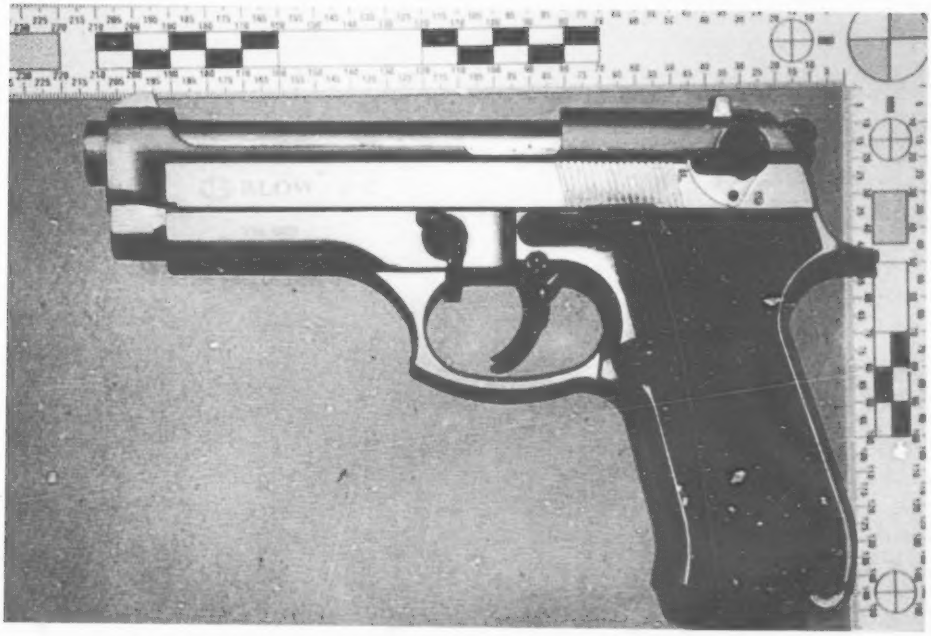
[28] "Investigating Cross-Border Weapon Transfers in the Sahel", Conflict Armament Research, London, November 2016; and Savannah de Tessières, "Measuring Illicit Arms Flow: Niger", Briefing Paper n°1, March 2017, Small Arms Survey, Geneva.

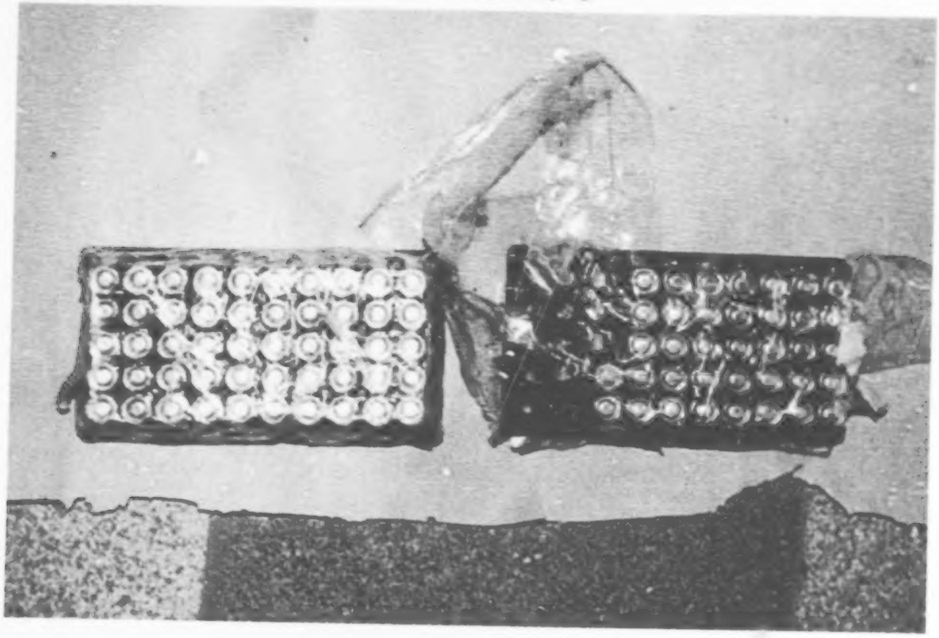
Photograph: Retay Baron HK Blank Pistol


RETAY BARON HK
Cal.9mm
05-014691

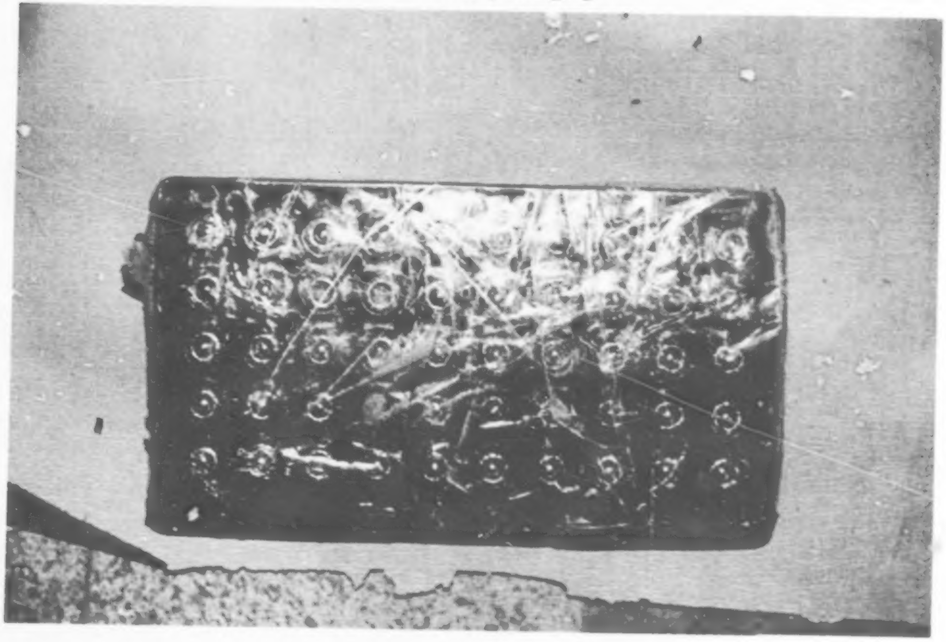
Photograph: Blow F92 Blank Pistol



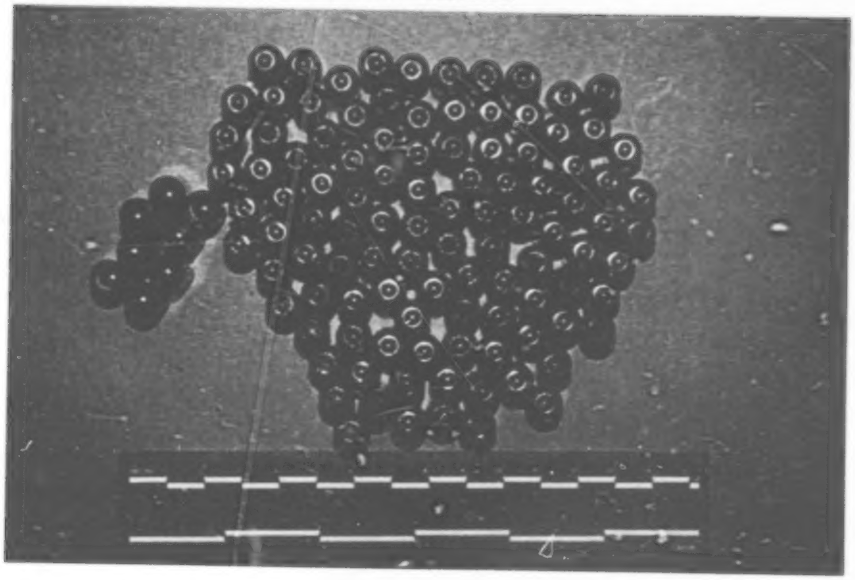
Photograph: Converted blank ammunition in packaging



Photograph: Converted blank ammunition in packaging



Photograph: Converted blank ammunition, loose.

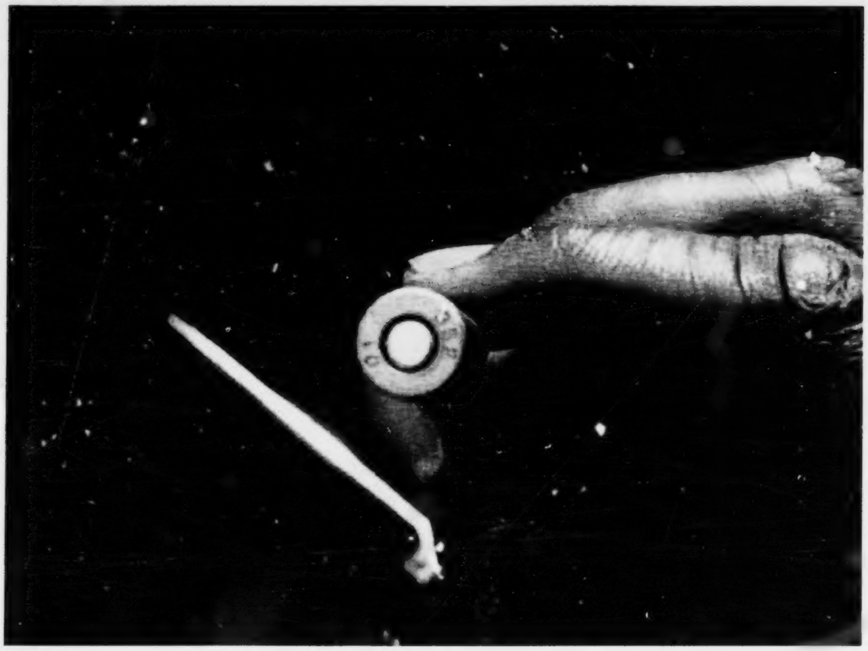


3. 369 cartridges were seized between Agadez and Zender on 27 February 2017 in the possession of Ahmed Ali Sallah, a Tebu from Chad. Sallah was hired by his community in Libya to transport the ammunition. The Nigerien authorities commented that some Tebu groups are a link between ISIL and Boko Haram, controlling most of the supply route to Diffa.

Photograph: Ammunition seized in possession of Ahmed Ali Sallah

Source: Nigerien Authorities

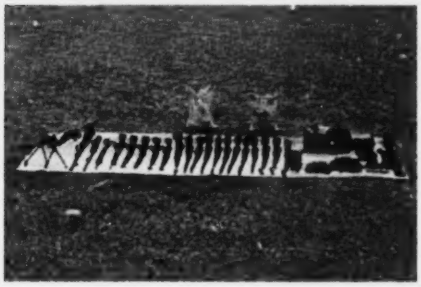
Photograph: Ammunition seized in possession of Ahmed Ali Sallah

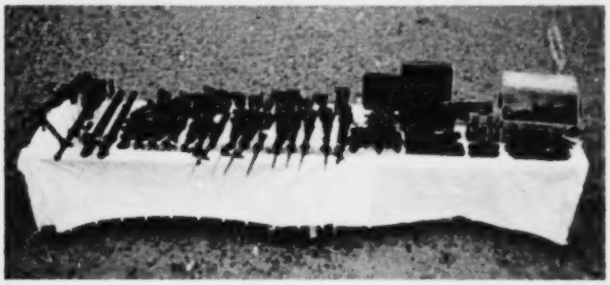


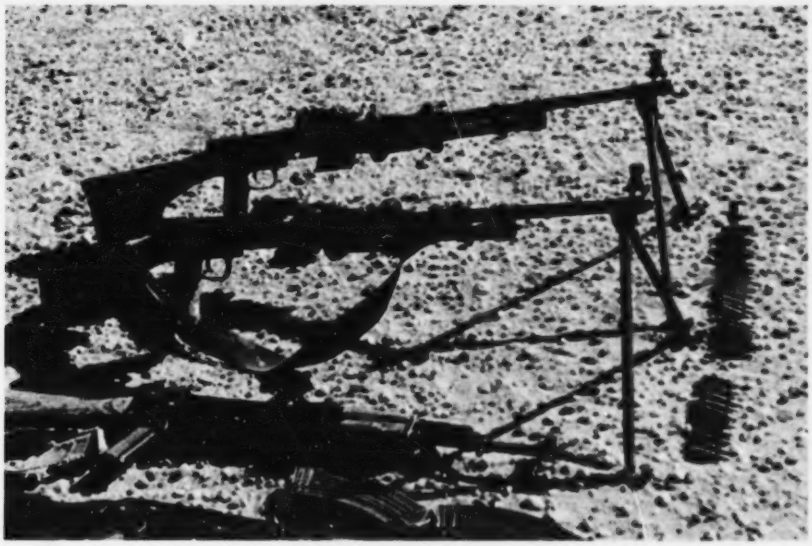
4. Nigerien Gendarmerie provided additional reporting detailing seizures of small arms, predominantly assault rifles, and ammunition. The Panel is continuing to follow up on specific serial numbers of weapons seized.

Annex 47 Weapons seized in Algeria allegedly from Libya

1. The Algerian Ministry of Defence provides regular news and general figures on arms seizures and counter-terrorist operations.[29] The likelihood that some of the material seized was smuggled from Libya is high and would offer options to trace the material's origin. Below some example of such seizures:







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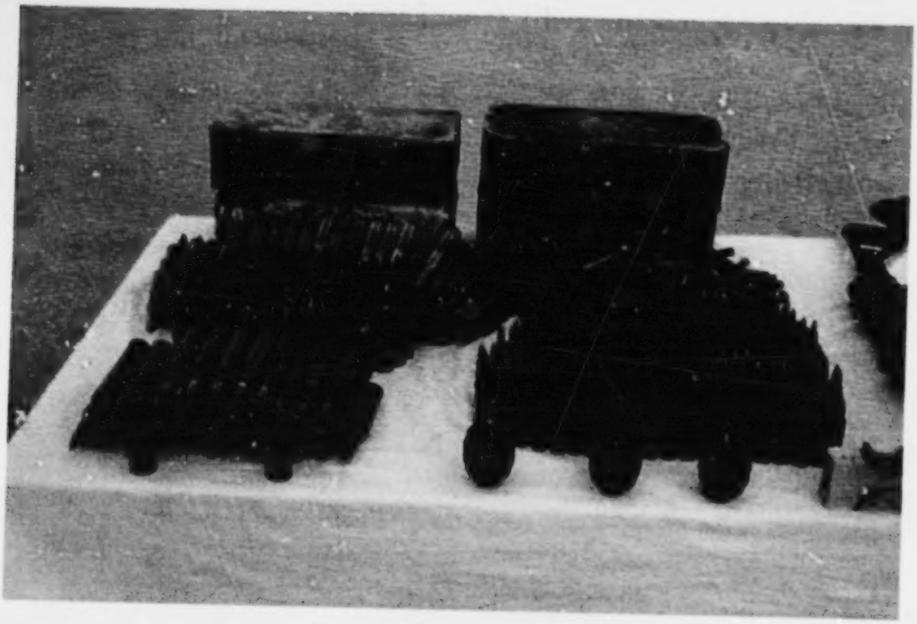
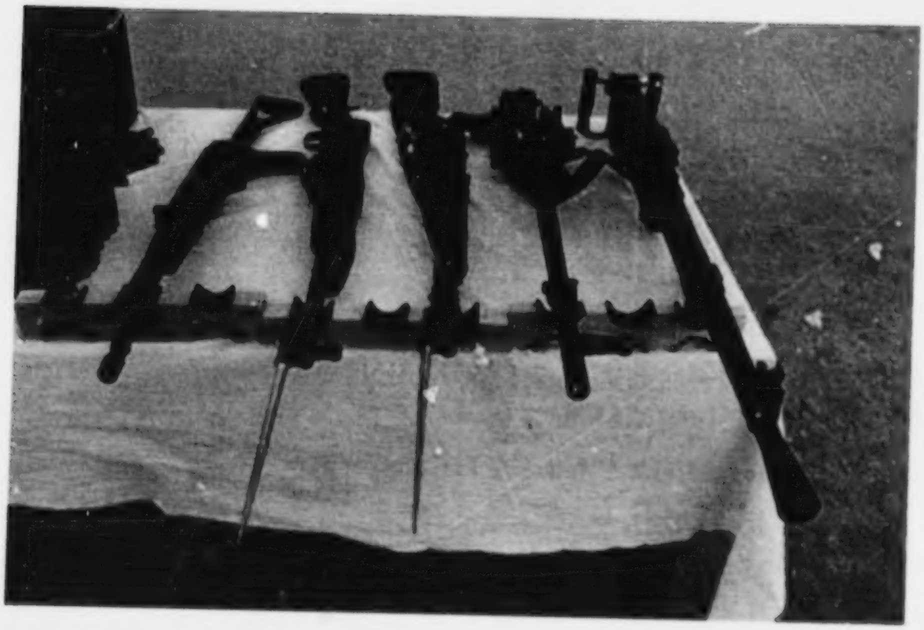
[29] See, for example, 'Lutte contre le terrorisme et le crime organisé: bilan, janvier-mai 2016', La revue El-Djeich, n° 635, Algiers June 2016, pp. 48-49.





Source: Internet[30]

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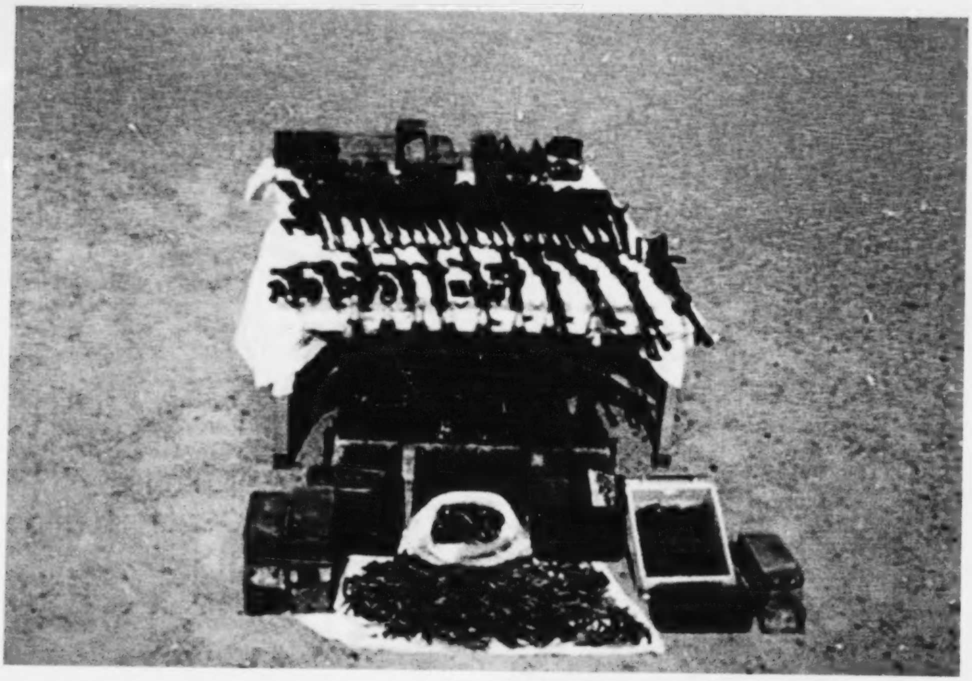
[30] http://www.mdn.dz/site_principal/index.php?L=fr#undefined.

A further example of material seized at the border between Algeria, Niger and Libya:

Material seized in the region of In Amenas:

Material seized in Tamanrasset:



Source of all the pictures above: Website of the Algerian Ministry of National Defence, under Actualités and Communiqués'[31]

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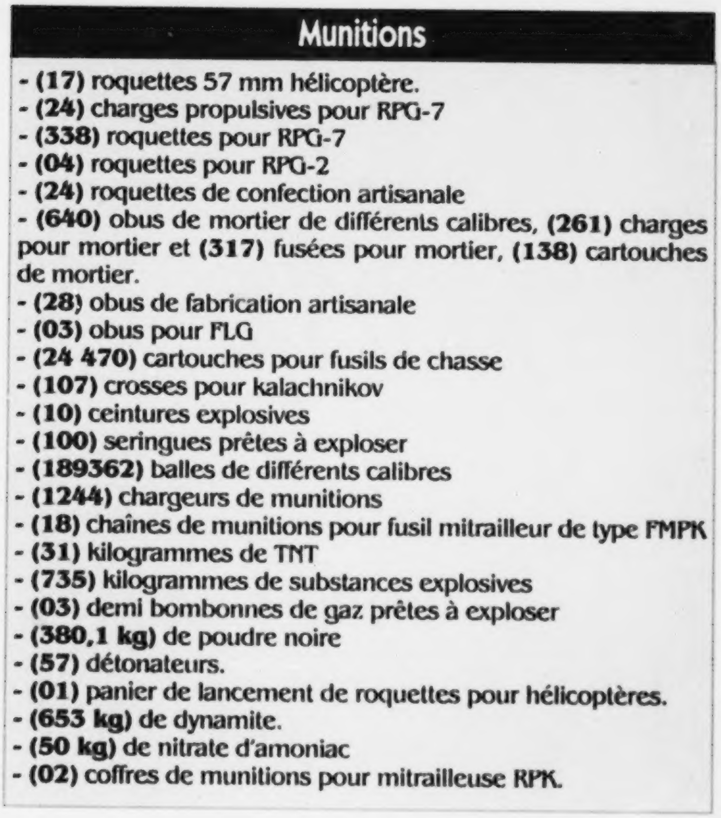
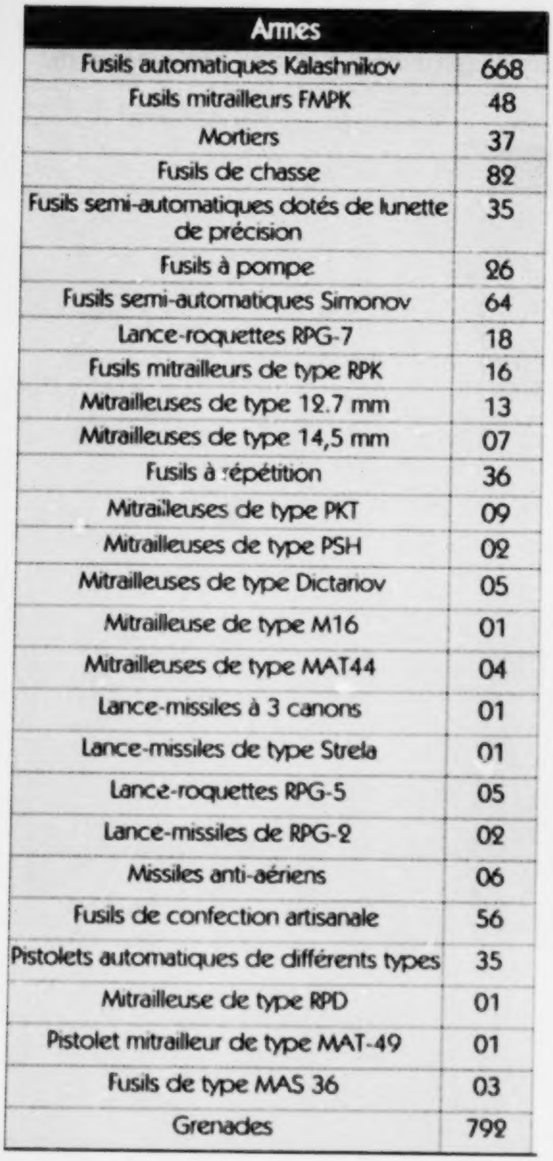
[31] http://www.mdn.dz/site_principal/index.php?L=fr#undefined.

2. The Algerian MoD has published in its monthly magazine an overview on material seized in Algeria in 2016. It is probable that a large share were smuggled from Libya in violation of the embargo.



Munitions

- **(17)** roquettes 57 mm hélicoptère.
- **(24)** charges propulsives pour RPG-7
- **(338)** roquettes pour RPG-7
- **(04)** roquettes pour RPG-2
- **(24)** roquettes de confection artisanale
- **(640)** obus de mortier de différents calibres, **(261)** charges pour mortier et **(317)** fusées pour mortier, **(138)** cartouches de mortier.
- **(28)** obus de fabrication artisanale
- **(03)** obus pour FLG
- **(24 470)** cartouches pour fusils de chasse
- **(107)** crosses pour kalachnikov
- **(10)** ceintures explosives
- **(100)** seringues prêtes à exploser
- **(189362)** balles de différents calibres
- **(1244)** chargeurs de munitions
- **(18)** chaînes de munitions pour fusil mitrailleur de type FMPK
- **(31)** kilogrammes de TNT
- **(735)** kilogrammes de substances explosives
- **(03)** demi bombonnes de gaz prêtes à exploser
- **(380,1 kg)** de poudre noire
- **(57)** détonateurs.
- **(01)** panier de lancement de roquettes pour hélicoptères.
- **(653 kg)** de dynamite.
- **(50 kg)** de nitrate d'amoniac
- **(02)** coffres de munitions pour mitrailleuse RPK.



Armes	
Fusils automatiques Kalashnikov	668
Fusils mitrailleurs FMPK	48
Mortiers	37
Fusils de chasse	82
Fusils semi-automatiques dotés de lunette de précision	35
Fusils à pompe	26
Fusils semi-automatiques Simonov	64
Lance-roquettes RPG-7	18
Fusils mitrailleurs de type RPK	16
Mitrailleuses de type 12.7 mm	13
Mitrailleuses de type 14,5 mm	07
Fusils à répétition	36
Mitrailleuses de type PKT	09
Mitrailleuses de type PSH	02
Mitrailleuses de type Dictariov	05
Mitrailleuse de type M16	01
Mitrailleuses de type MAT44	04
Lance-missiles à 3 canons	01
Lance-missiles de type Strela	01
Lance-roquettes RPG-5	05
Lance-missiles de RPG-2	02
Missiles anti-aériens	06
Fusils de confection artisanale	56
Pistolets automatiques de différents types	35
Mitrailleuse de type RPD	01
Pistolet mitrailleur de type MAT-49	01
Fusils de type MAS 36	03
Grenades	792

Source: El Djeich, Revue mensuelle de l'armée nationale populaire, n°641, Avril 2016[32]

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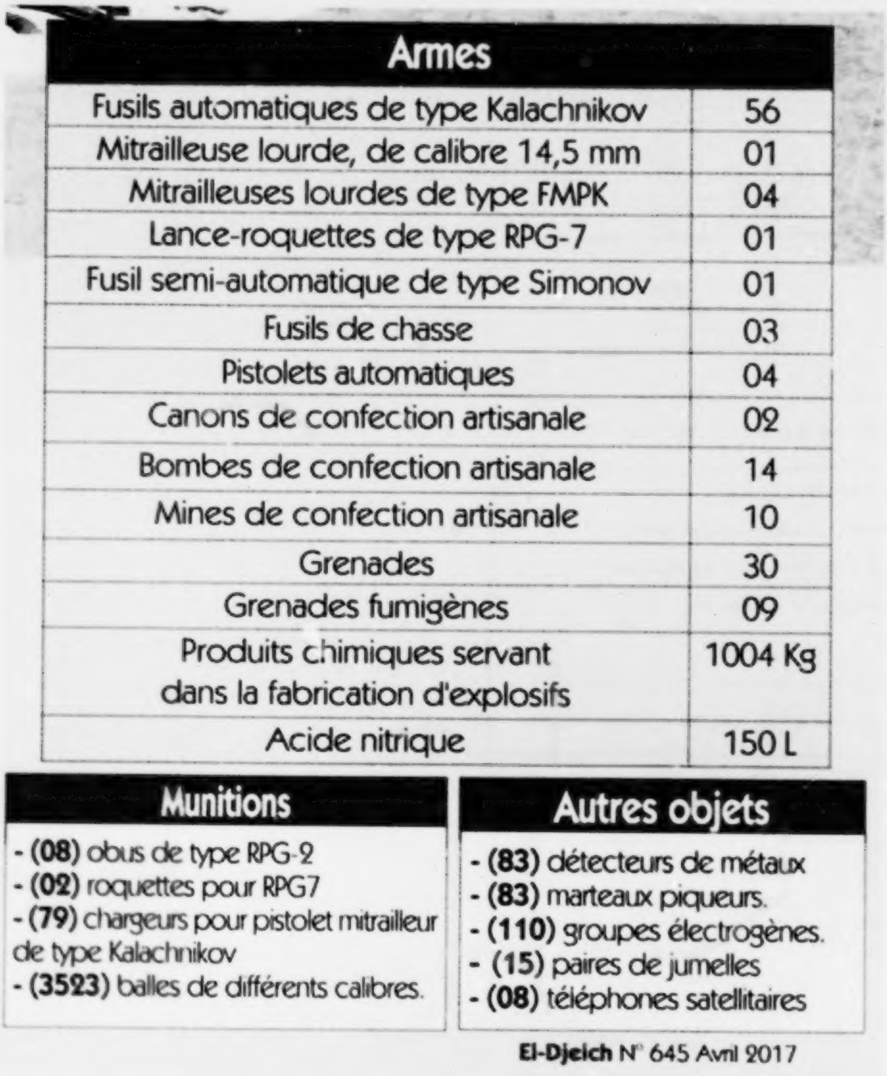
[32] http://www.mdn.dz/site_principal/sommaire/revue/images/EldjeichDec2016Fr.pdf.

The Algerian MoD has also published the figures for the first quarter of the year 2017:



Armes	
Fusils automatiques de type Kalachnikov	56
Mitrailleuse lourde, de calibre 14,5 mm	01
Mitrailleuses lourdes de type FMPK	04
Lance-roquettes de type RPG-7	01
Fusil semi-automatique de type Simonov	01
Fusils de chasse	03
Pistolets automatiques	04
Canons de confection artisanale	02
Bombes de confection artisanale	14
Mines de confection artisanale	10
Grenades	30
Grenades fumigènes	09
Produits chimiques servant dans la fabrication d'explosifs	1004 Kg
Acide nitrique	150 L

Munitions

- **(08)** obus de type RPG-2
- **(02)** roquettes pour RPG7
- **(79)** chargeurs pour pistolet mitrailleur de type Kalachnikov
- **(3523)** balles de différents calibres.

Autres objets

- **(83)** détecteurs de métaux
- **(83)** marteaux piqueurs.
- **(110)** groupes électrogènes.
- **(15)** paires de jumelles
- **(08)** téléphones satellitaires

El-Djeich N° 645 Avril 2017

Source: Revue mensuelle de l'Armée nationale populaire, n°645, Avril 207.[33]

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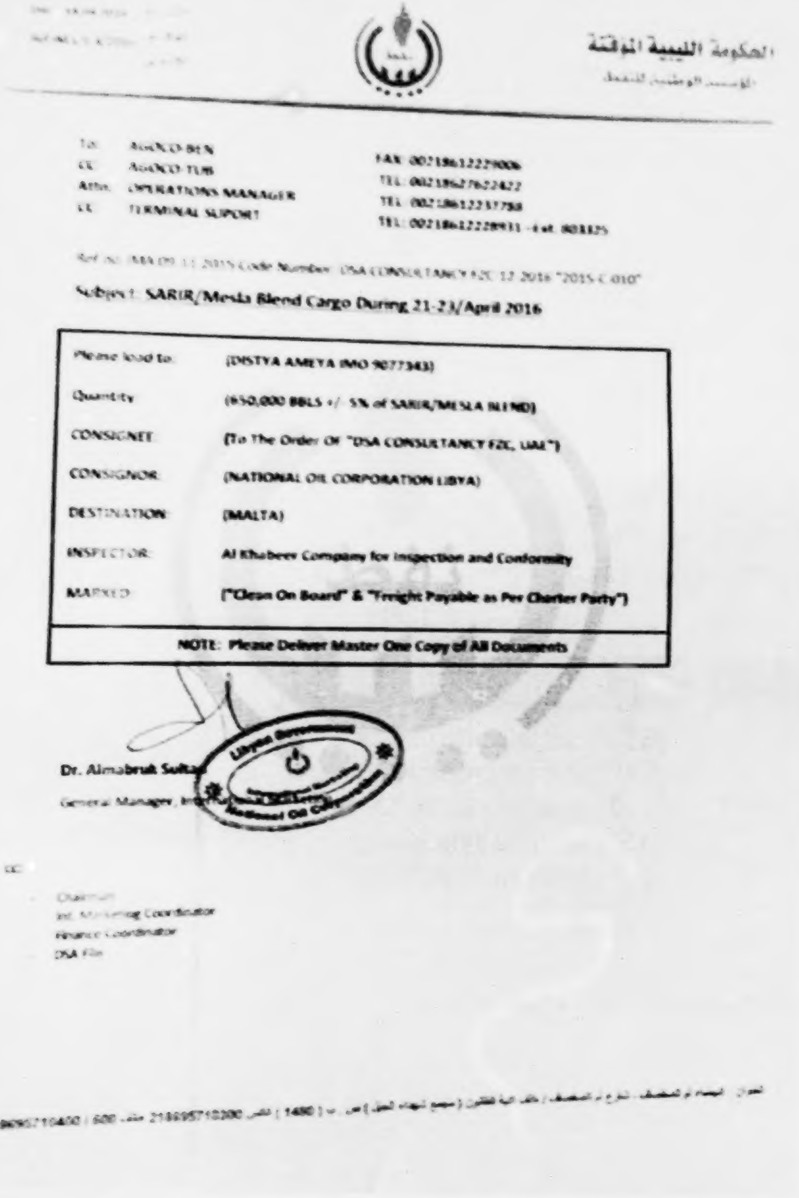
[33] http://www.mdn.dz/site_principal/sommaire/revue/images/EldjeichAvril2017Fr.pdf.

Annex 48 Distya Ameya

1. On 18 April 2016, the eastern NOC delivered the following order to AGOCO, with the intention of loading a vessel between 21-23 April in Marsa al-Hariga:



الحكومة الليبية المؤقتة
المؤسسة الوطنية للنفط

To: AGOCO-BEN
CC: AGOCO-TUB
Attn: OPERATIONS MANAGER
CC: TERMINAL SUPORT

FAX: 00218612229006
TEL: 00218627622422
TEL: 00218612237758
TEL: 00218612228931 - Ext. 803325

Ref no: [illegible] 11 2015 Code Number: DSA CONSULTANCY FZC 12 2016 "2015 C 010"

Subject: SARIR/Mesla Blend Cargo During 21-23/April 2016

Please load to:	(DISTYA AMEYA IMO 9077343)
Quantity	(650,000 BBLS +/- 5% of SARIR/MESLA BLEND)
CONSIGNEE	(To The Order Of "DSA CONSULTANCY FZC, UAE")
CONSIGNOR	(NATIONAL OIL CORPORATION LIBYA)
DESTINATION	(MALTA)
INSPECTOR	Al Khabeer Company for Inspection and Conformity
MARKED	("Clean On Board" & "Freight Payable as Per Charter Party")
NOTE: Please Deliver Master One Copy of All Documents	

Dr. Almabruk Sulta[illegible]
General Manager, In[illegible]

Libyan Government
National Oil Corporation

CC:
- Chairman
- Int. Marketing Coordinator
- Finance Coordinator
- DSA File

Source: Confidential

2. The 'Distya Ameya' (IMO 9077343) approached Libyan territorial waters from the Suez Canal. The western NOC sent an e-mail on 21 April 2016 to the operator of the vessel among others when they had verified its intentions, in the following terms:

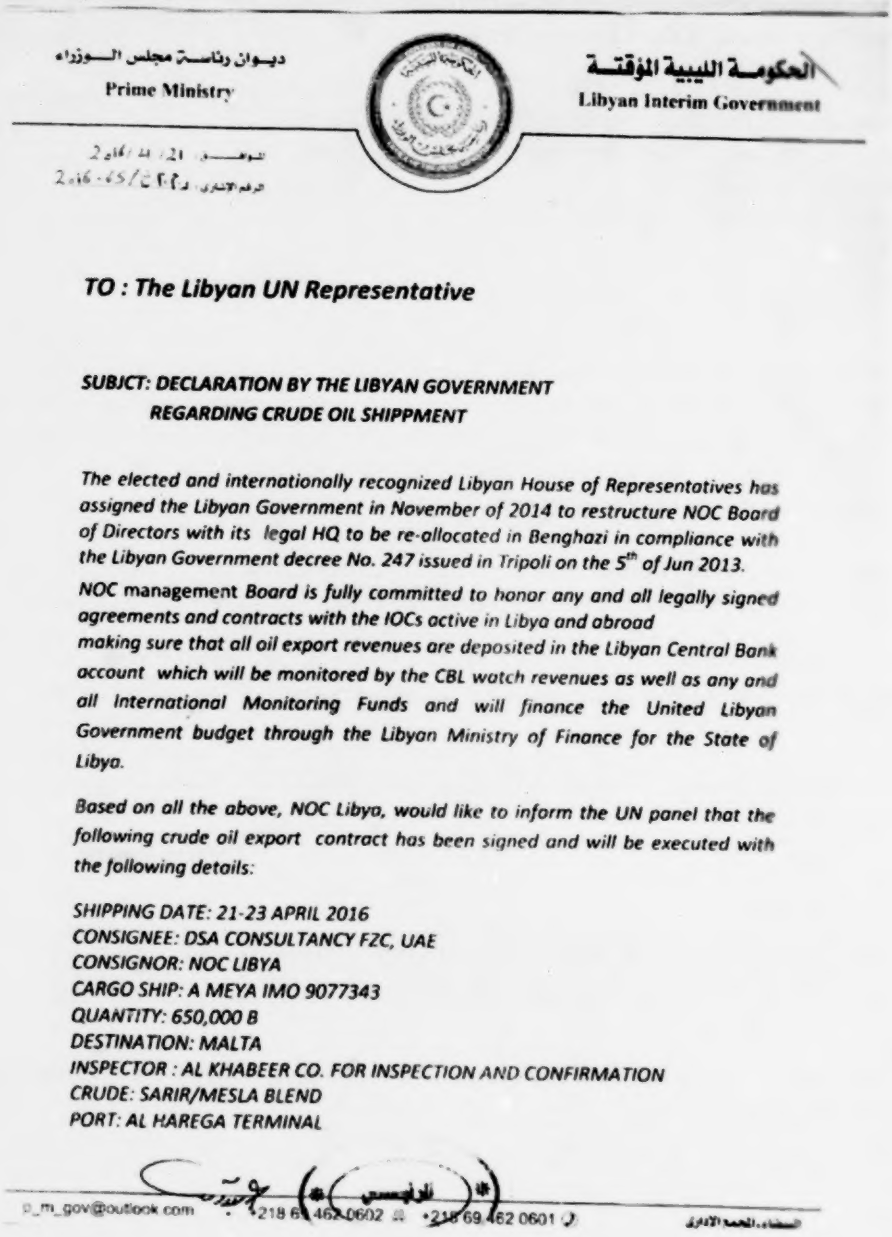
> ***Sent:*** *Thursday, April 21, 2016 12:25 PM*
> ***To:*** *'maritime.managers@griffin.li'; 'maritimepacific@aol.com'; 'roger.green@marinecon.net'; 'maritime-mutualnz@xtra.co.nz'; 'maritimemutualnz@aol.com'*
> ***Subject:*** *Extremely Important /URGENT*
> ***Importance:*** *High*
> *Dear Sir/Ma'am*
>
> *Good Morning*
> *With reference to the series of clear resolutions and statements of the United Nations, including UN Security Council Resolution 2259, that it strongly opposes activities which could damage integrity and unity of the NOC, UNSCR 2213 which implement sanctions against individuals or entities that support criminal networks through the illicit exploitation of crude oil or any other natural resources in Libya.*
>
> ***Moreover,*** *it came to our attention that a vessel called* ***"Distya Ameya"*** *is illegally nominated to load from Libya, and your respectful club is the P &I club for this vessel.*
>
> ***Therefore****, you're kindly requested to interfere and stop this illegal nomination, to prevent any kind of unwanted legal action and/or subsequences that may damage the vessel.*
>
> *On behalf of Mr. Ahmed Shawki , General Manager of International Marketing Department-NOC Libya*

3. The details of the vessel are:

IMO_Ship_No.	Name_of_Ship	Callsign	Deadweight	Flag
9077343	DISTYA AMEYA	AWPM	95420	India

4. The owner of the crude oil to be loaded in Tobruk is the company DSA Consultancy FZE, based in the United Arab Emirates.

5. The western NOC informed the PC about the case on 21 April 2016, while a letter signed by Abdallah al-Thinni was sent to the Permanent Representative of Libya to the UN:



ديــوان رئاســة مجلس الـــوزراء
Prime Ministry

الحكومـــة الليبية المؤقتـــة
Libyan Interim Government

التاريخ: 2016/04/21
الرقم الإشاري: 2016-05/ح 2.2

TO : The Libyan UN Representative

SUBJCT: DECLARATION BY THE LIBYAN GOVERNMENT
REGARDING CRUDE OIL SHIPPMENT

The elected and internationally recognized Libyan House of Representatives has assigned the Libyan Government in November of 2014 to restructure NOC Board of Directors with its legal HQ to be re-allocated in Benghazi in compliance with the Libyan Government decree No. 247 issued in Tripoli on the 5th of Jun 2013.

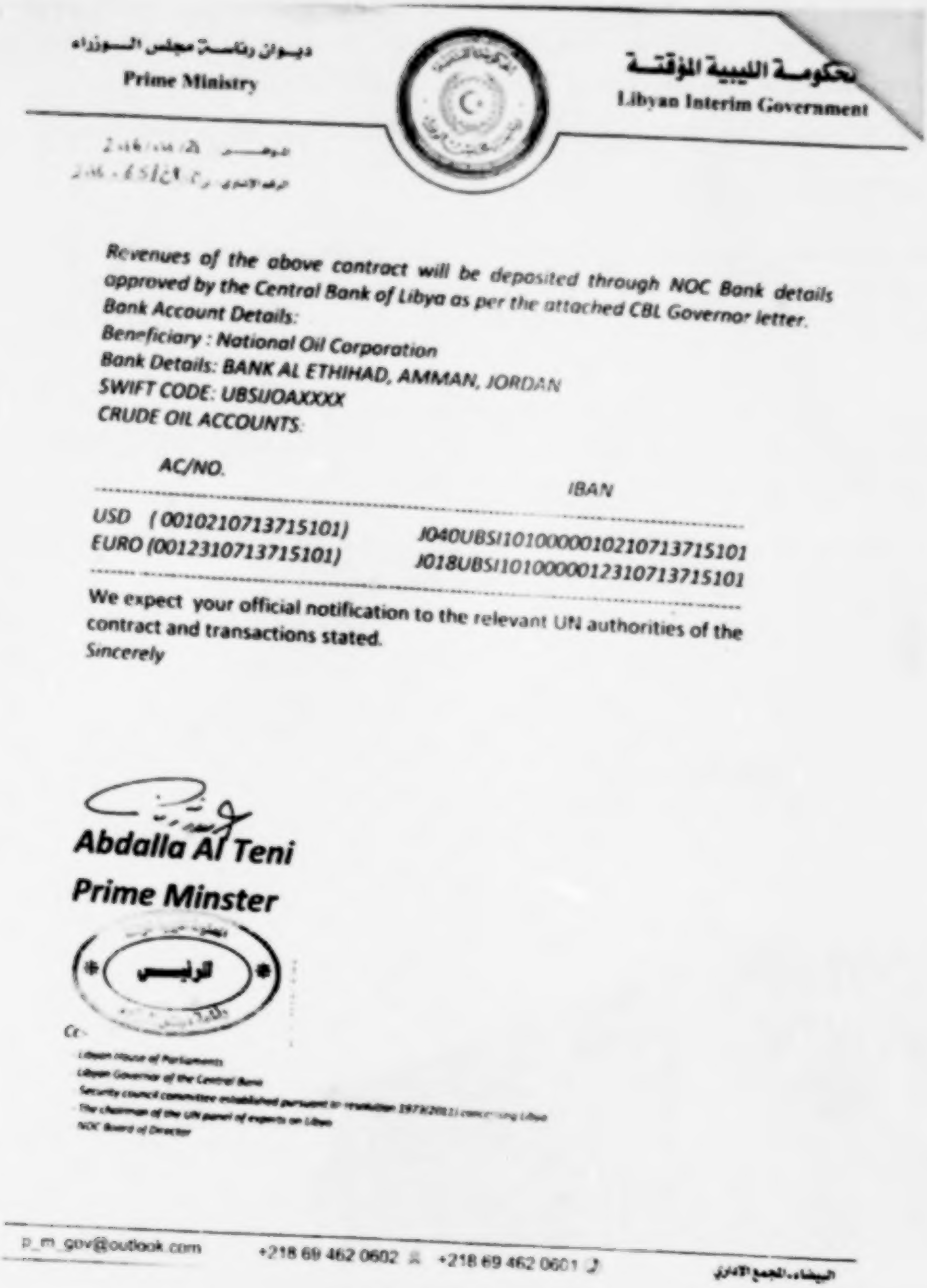
NOC management Board is fully committed to honor any and all legally signed agreements and contracts with the IOCs active in Libya and abroad making sure that all oil export revenues are deposited in the Libyan Central Bank account which will be monitored by the CBL watch revenues as well as any and all International Monitoring Funds and will finance the United Libyan Government budget through the Libyan Ministry of Finance for the State of Libya.

Based on all the above, NOC Libya, would like to inform the UN panel that the following crude oil export contract has been signed and will be executed with the following details:

SHIPPING DATE: 21-23 APRIL 2016
CONSIGNEE: DSA CONSULTANCY FZC, UAE
CONSIGNOR: NOC LIBYA
CARGO SHIP: A MEYA IMO 9077343
QUANTITY: 650,000 B
DESTINATION: MALTA
INSPECTOR : AL KHABEER CO. FOR INSPECTION AND CONFIRMATION
CRUDE: SARIR/MESLA BLEND
PORT: AL HAREGA TERMINAL

الرئيس

p_m_gov@outlook.com • +218 69 462 0602 • +218 69 462 0601 البيضاء، المجمع الإداري



ديوان رئاسة مجلس الوزراء
Prime Ministry

الحكومة الليبية المؤقتة
Libyan Interim Government

[illegible] 2016/[illegible]/[illegible]
[illegible] [illegible]/2016

Revenues of the above contract will be deposited through NOC Bank details approved by the Central Bank of Libya as per the attached CBL Governor letter.
Bank Account Details:
Beneficiary : National Oil Corporation
Bank Details: BANK AL ETHIHAD, AMMAN, JORDAN
SWIFT CODE: UBSIJOAXXXX
CRUDE OIL ACCOUNTS:

AC/NO.	IBAN
USD (0010210713715101)	JO40UBSI1010000010210713715101
EURO (0012310713715101)	JO18UBSI1010000012310713715101

We expect your official notification to the relevant UN authorities of the contract and transactions stated.
Sincerely

Abdalla Al Teni
Prime Minster

الرئيس

Cc:
- *Libyan House of Parliaments*
- *Libyan Governor of the Central Bank*
- *Security council committee established pursuant to resolution 1970(2011) concerning Libya*
- *The chairman of the UN panel of experts on Libya*
- *NOC Board of Director*

p_m_gov@outlook.com +218 69 462 0602 ف +218 69 462 0601 ت البيضاء - المجمع الاداري

Source: Confidential

6. On 21 April, the Permanent Representative of Libya to the United Nations requested the Committee to take action under resolution 2146 (2014). According to public data, the tanker was

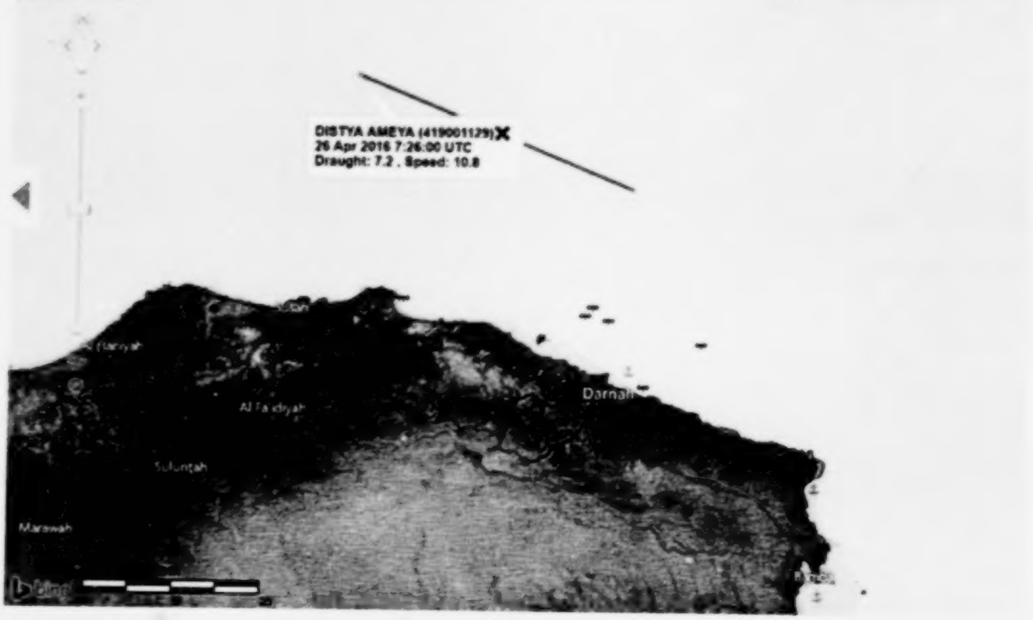
heading to Limassol (Cyprus), but on 22 April 2016 was in the vicinity of Tobruk. However, the vessel did not enter port immediately. The eastern NOC board of directors held discussions about the loading. Finally, the board took the decision to load the vessel, although the decision was not unanimous. The vessel started to load on 24 April 2016 at 20:00 hours (local time).

7. On 23 April 2016, the western NOC sent a deterrent e-mail to the captain of the tanker:

> *To:* *distyaameya@amosconnect.com*
> *Dear sir*
> *Please be informed that The seller of the cargo you are planning to load* is *not the internationally recognized government of Libya. Loading the cargo will contravene UN Security Council resolutions 2146, 2259 and 2278 and may result in your vessel being impounded.*
>
> *The Libyan government has notified the United Nations Security Council of your intention to load Libyan oil illicitly and the council is taking measures. We request that you weigh anchor and leave Libyan waters immediately.*

8. The ship set sail in the early hours of 26 April 2016, heading to Malta. The Automatic Identification System (AIS) was interrupted several times during the journey.

Libya, Derna



The AIS was on for a period of time while the vessel sailed by Derna on 26 April 2016
Source: IHS Seaweb

9. The Panel is aware of discussions within the PC, which focused on the payment system that had been reported in al-Thinni's letter (see above paragraph 5).

10. In the meantime, the Maltese authorities warned the ship not to enter Maltese territorial waters. Therefore, the vessel remained adrift 50 nautical miles off Malta, waiting for instructions.

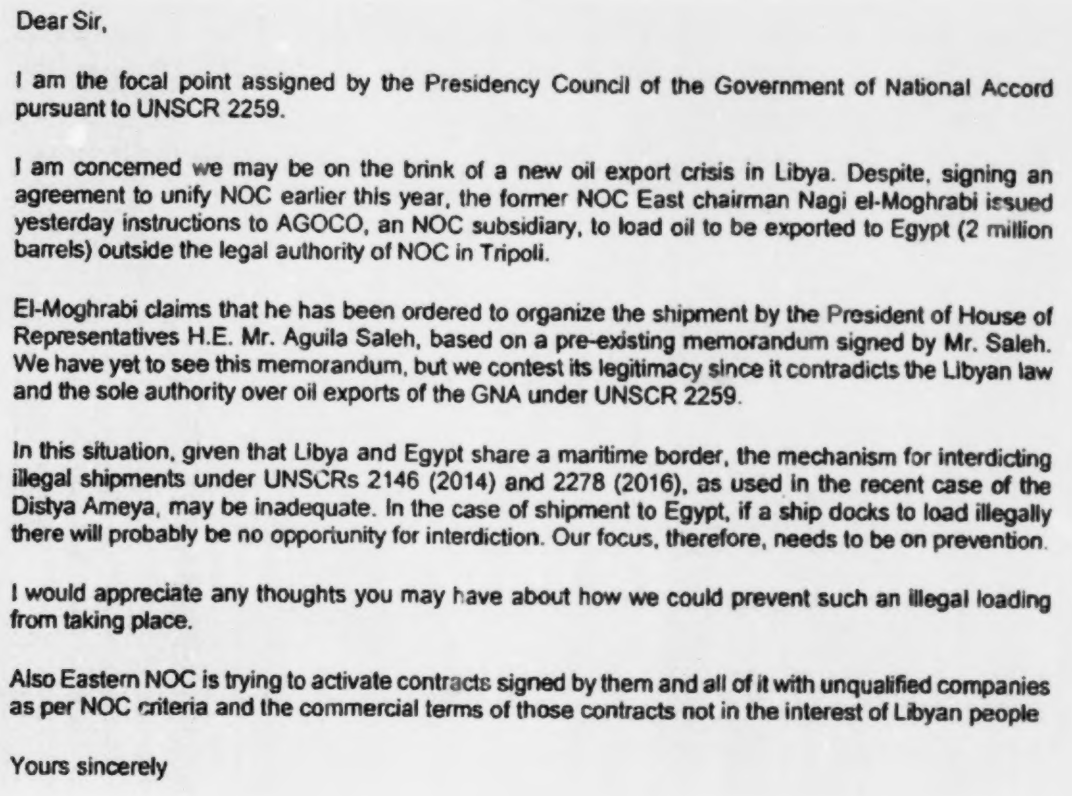
11. On 27 April 2016, the Committee added the vessel to the Libya Sanctions List.

12. The western NOC told the 'Distya Ameya' to head to Zawiya, to discharge the crude oil in the refinery. The ship docked on 30 April 2016. Due to bad weather conditions, the vessel departed on that same day and remained in the vicinity until it could dock again on 5 May 2016, finalising the operation on 6 May 2016, leaving Zawiya.

13. Upon request from India and non-objection by Libya, the vessel was delisted on 16 May 2016.

Annex 49 Unknown vessel

1. On 4 November 2016, Abdallah Ateiga sent the following communication to the Permanent Mission of Libya, with copy to the Panel, which was then forwarded to Committee:



Dear Sir,

I am the focal point assigned by the Presidency Council of the Government of National Accord pursuant to UNSCR 2259.

I am concerned we may be on the brink of a new oil export crisis in Libya. Despite, signing an agreement to unify NOC earlier this year, the former NOC East chairman Nagi el-Moghrabi issued yesterday instructions to AGOCO, an NOC subsidiary, to load oil to be exported to Egypt (2 million barrels) outside the legal authority of NOC in Tripoli.

El-Moghrabi claims that he has been ordered to organize the shipment by the President of House of Representatives H.E. Mr. Aguila Saleh, based on a pre-existing memorandum signed by Mr. Saleh. We have yet to see this memorandum, but we contest its legitimacy since it contradicts the Libyan law and the sole authority over oil exports of the GNA under UNSCR 2259.

In this situation, given that Libya and Egypt share a maritime border, the mechanism for interdicting illegal shipments under UNSCRs 2146 (2014) and 2278 (2016), as used in the recent case of the Distya Ameya, may be inadequate. In the case of shipment to Egypt, if a ship docks to load illegally there will probably be no opportunity for interdiction. Our focus, therefore, needs to be on prevention.

I would appreciate any thoughts you may have about how we could prevent such an illegal loading from taking place.

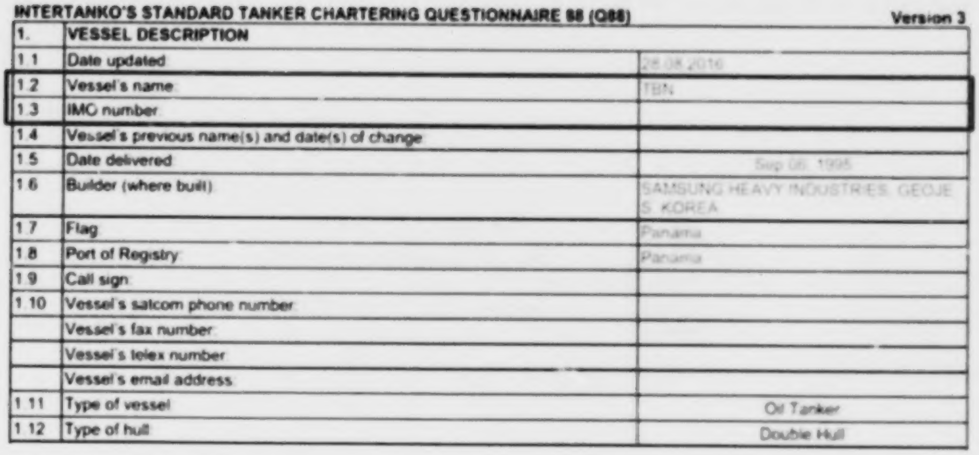
Also Eastern NOC is trying to activate contracts signed by them and all of it with unqualified companies as per NOC criteria and the commercial terms of those contracts not in the interest of Libyan people

Yours sincerely

2. The eastern NOC took care not to mention the name of a vessel[34], as can be seen in the following excerpt of one of the compulsory documents that are exchanged among the different entities involved in this kind of operation:

---

[34] In the excerpt it might appear that the name of the vessel is TBN. However, TBN is an abbreviation that means "To Be Named".



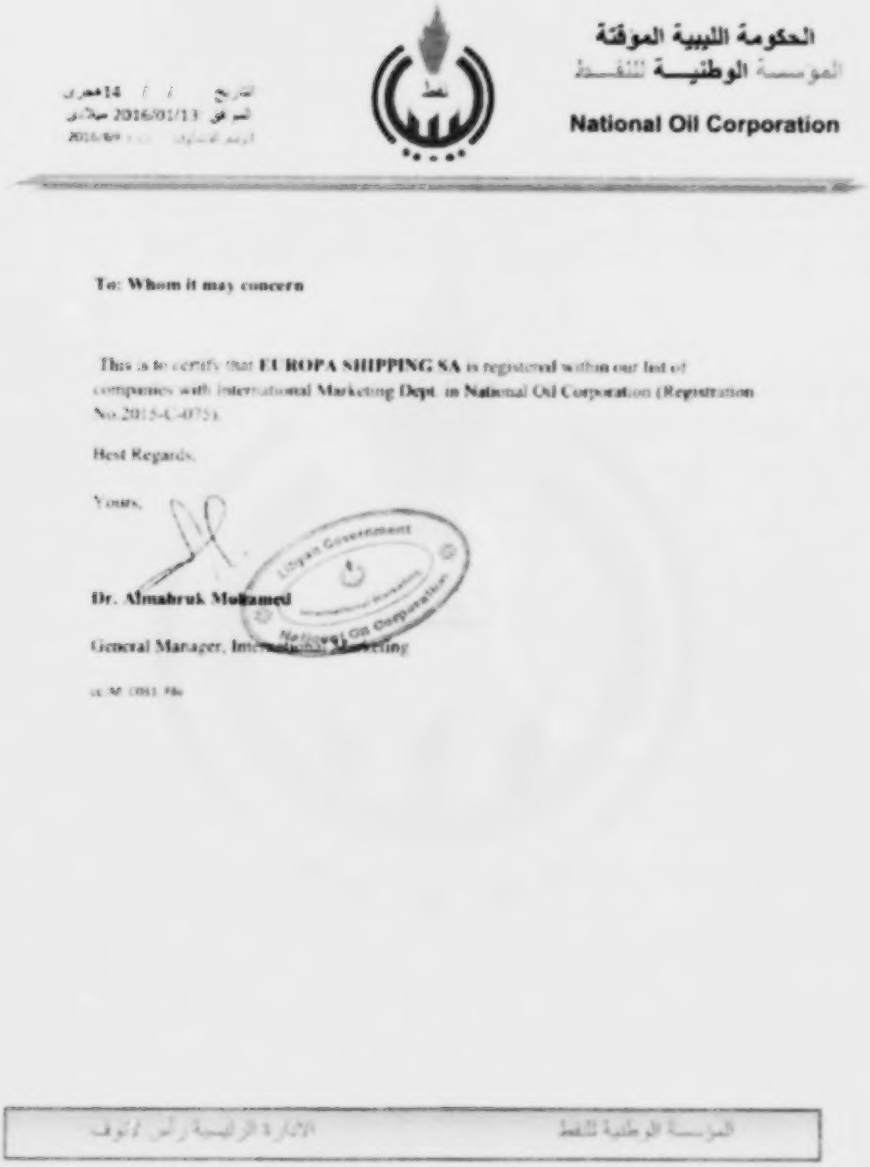
INTERTANKO'S STANDARD TANKER CHARTERING QUESTIONNAIRE 88 (Q88) Version 3

1.	**VESSEL DESCRIPTION**	
1.1	Date updated:	28.08.2016
1.2	Vessel's name:	TBN
1.3	IMO number:	
1.4	Vessel's previous name(s) and date(s) of change:	
1.5	Date delivered:	Sep 06, 1995
1.6	Builder (where built):	SAMSUNG HEAVY INDUSTRIES, GEOJE S. KOREA
1.7	Flag:	Panama
1.8	Port of Registry:	Panama
1.9	Call sign:	
1.10	Vessel's satcom phone number:	
	Vessel's fax number:	
	Vessel's telex number:	
	Vessel's email address:	
1.11	Type of vessel:	Oil Tanker
1.12	Type of hull:	Double Hull

Source: Confidential

3. The Panel was able to filter the data and determine the vessel involved in the alleged shipment. However, the vessel never entered the Mediterranean Sea at the time when the shipment was due to take place.

Annex 50 Contract with eastern NOC



الحكومة الليبية المؤقتة
المؤسسة الوطنية للنفط
National Oil Corporation

التاريخ: / / 14هجري
الموافق: 2016/01/13 ميلادي
الرقم الإشاري: 2016/69

To: Whom it may concern

This is to certify that **EUROPA SHIPPING SA** is registered within our list of companies with International Marketing Dept. in National Oil Corporation (Registration No.2015-C-075).

Best Regards,

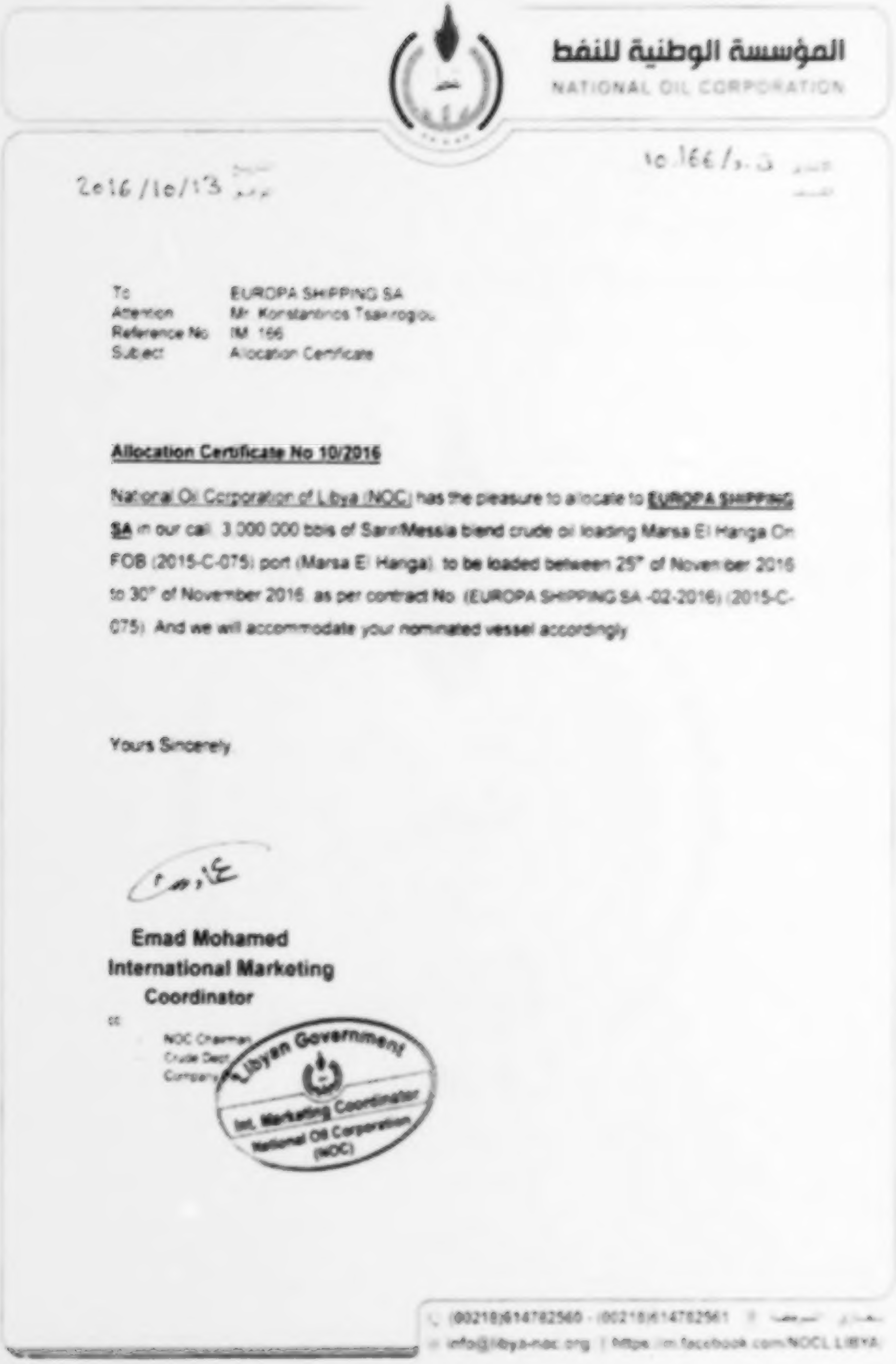
Yours,

Dr. Almabruk Mohamed

General Manager, International Marketing

cc:M. OM1. File

المؤسسة الوطنية للنفط الإدارة الرئيسية رأس لانوف



المؤسسة الوطنية للنفط
NATIONAL OIL CORPORATION

2016/10/13

10.166/ق.د

To EUROPA SHIPPING SA
Attention Mr. Konstantinos Tsakiroglou
Reference No IM. 166
Subject Allocation Certificate

Allocation Certificate No 10/2016

National Oil Corporation of Libya (NOC) has the pleasure to allocate to **EUROPA SHIPPING SA** in our call. 3,000,000 bbls of Sarir/Messla blend crude oil loading Marsa El Hanga On FOB (2015-C-075) port (Marsa El Hanga), to be loaded between 25th of November 2016 to 30th of November 2016, as per contract No. (EUROPA SHIPPING SA -02-2016) (2015-C-075). And we will accommodate your nominated vessel accordingly.

Yours Sincerely

عماد

Emad Mohamed
International Marketing
Coordinator

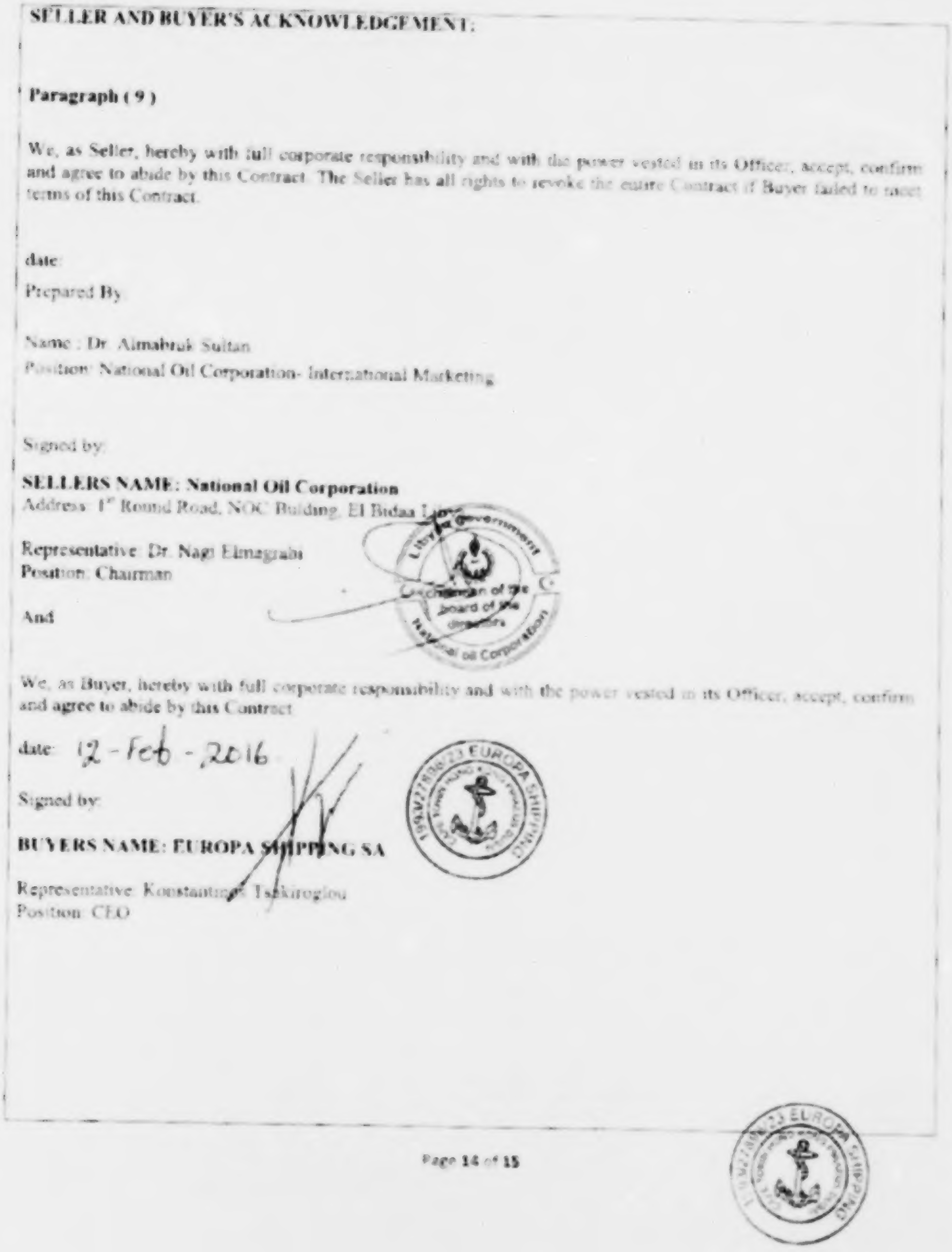
cc
- NOC Chairman
- Crude Dept
- Company

Libyan Government
Int. Marketing Coordinator
National Oil Corporation
(NOC)

(00218)614782560 - (00218)614782561
info@libya-noc.org | https://m.facebook.com/NOCL.LIBYA

This Agreement
Contract for the sale and purchase of
Libyan Crude Oil
FOB
اتفاقية بيع النفط الخام

No (EUROPA SHIPPING SA-02-2016)
(2015-C-075)



SELLER AND BUYER'S ACKNOWLEDGEMENT:

Paragraph (9)

We, as Seller, hereby with full corporate responsibility and with the power vested in its Officer, accept, confirm and agree to abide by this Contract. The Seller has all rights to revoke the entire Contract if Buyer failed to meet terms of this Contract.

date:

Prepared By:

Name : Dr. Almabruk Sultan
Position: National Oil Corporation- International Marketing

Signed by:

SELLERS NAME: National Oil Corporation
Address: 1st Round Road, NOC Building, El Bidaa Libya

Representative: Dr. Nagi Elmagrabi
Position: Chairman

And

We, as Buyer, hereby with full corporate responsibility and with the power vested in its Officer, accept, confirm and agree to abide by this Contract.

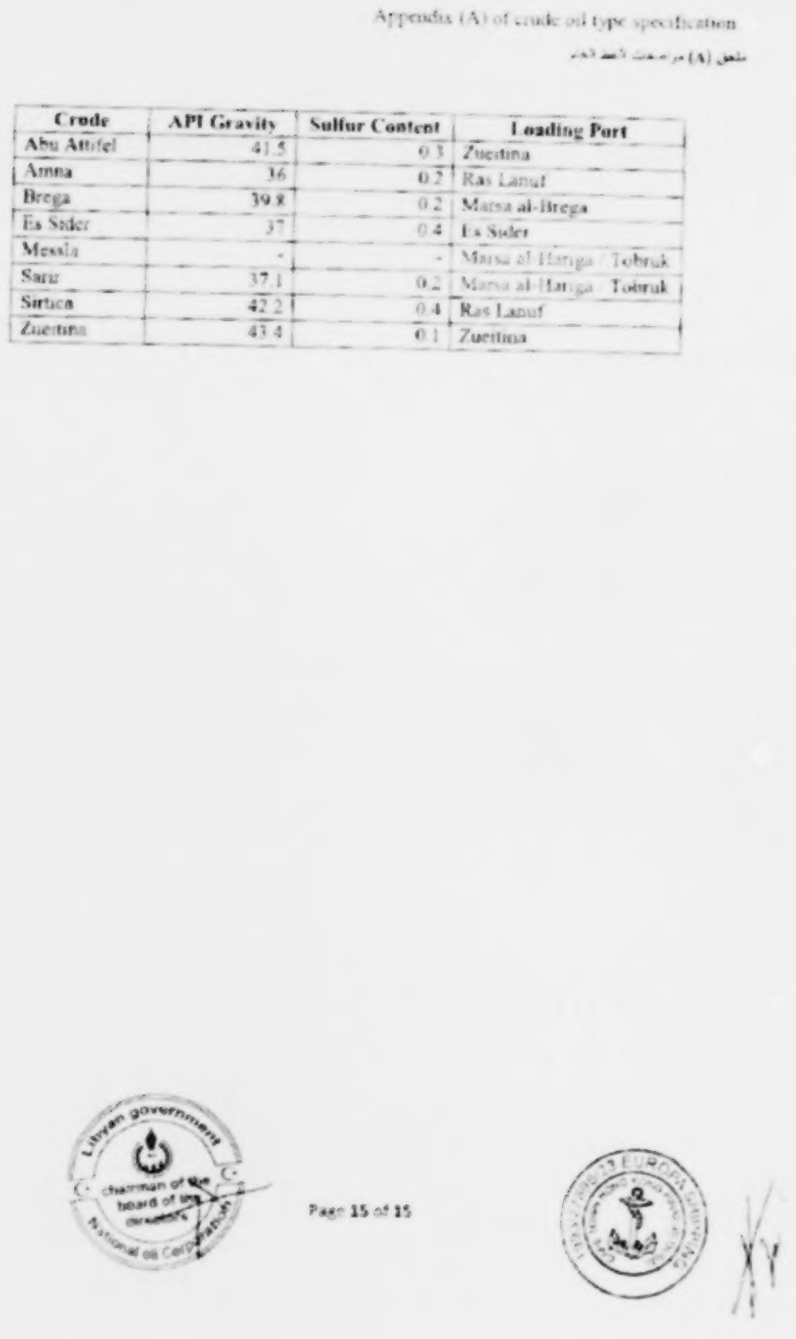
date: 12-Feb-2016

Signed by:

BUYERS NAME: EUROPA SHIPPING SA

Representative: Konstantinos Tsakiroglou
Position: CEO

Page 14 of 15



Appendix (A) of crude oil type specification

ملحق (A) مواصفات النفط الخام

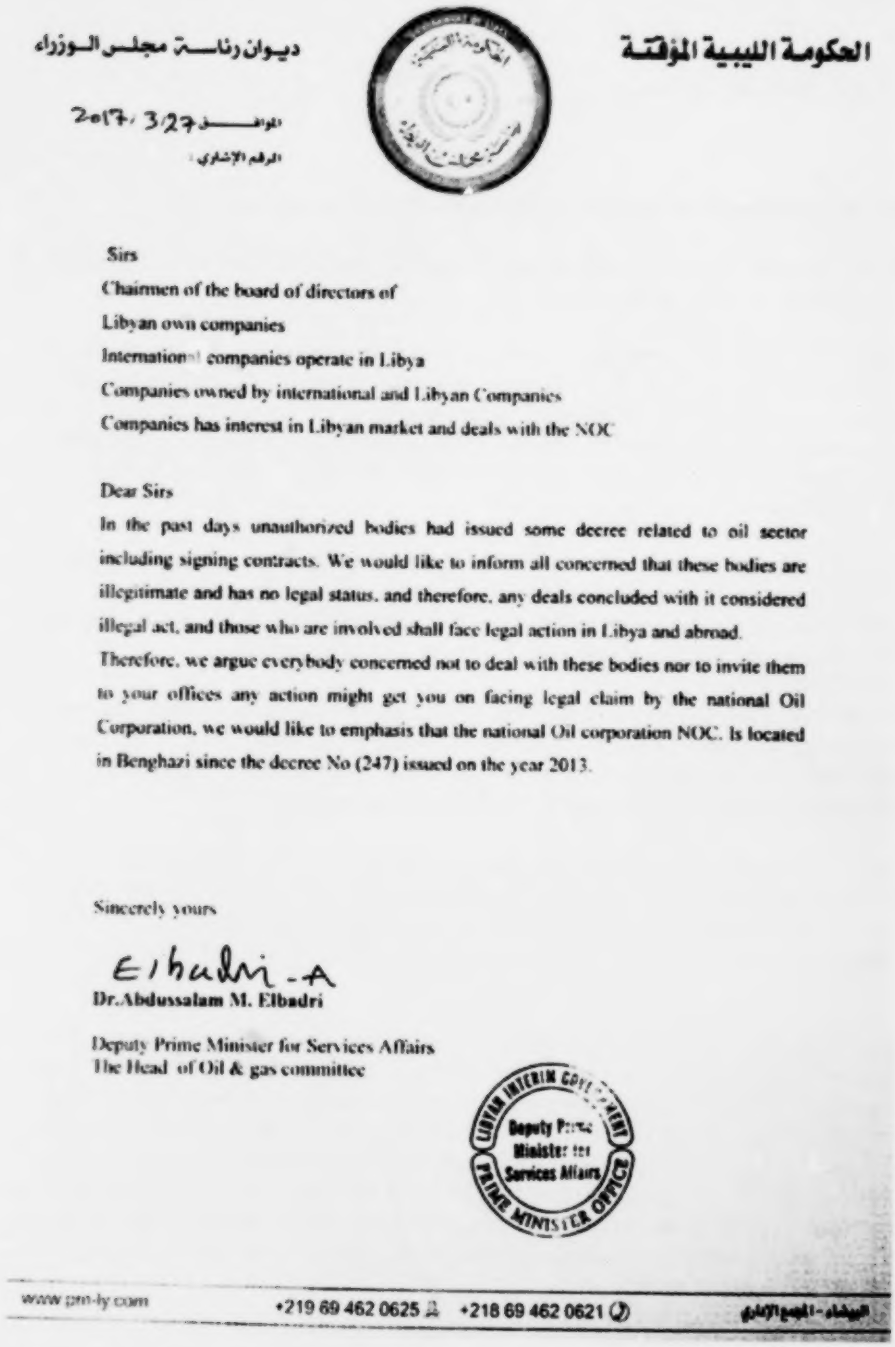
Crude	API Gravity	Sulfur Content	Loading Port
Abu Attifel	41.5	0.3	Zueitina
Amna	36	0.2	Ras Lanuf
Brega	39.8	0.2	Marsa al-Brega
Es Sider	37	0.4	Es Sider
Messla	-	-	Marsa al-Hariga / Tobruk
Sarir	37.1	0.2	Marsa al-Hariga / Tobruk
Sirtica	42.2	0.4	Ras Lanuf
Zueitina	43.4	0.1	Zueitina

Libyan government
chairman of the board of the directors
National oil Corporation

Page 15 of 15

Source: Confidential

Annex 51 Statement of eastern NOC entitlement



الحكومة الليبية المؤقتة

ديوان رئاسة مجلس الوزراء

الموافق 2017/3/27

الرقم الإشاري :

Sirs
Chairmen of the board of directors of
Libyan own companies
International companies operate in Libya
Companies owned by international and Libyan Companies
Companies has interest in Libyan market and deals with the NOC

Dear Sirs

In the past days unauthorized bodies had issued some decree related to oil sector including signing contracts. We would like to inform all concerned that these bodies are illegitimate and has no legal status, and therefore, any deals concluded with it considered illegal act, and those who are involved shall face legal action in Libya and abroad.

Therefore, we argue everybody concerned not to deal with these bodies nor to invite them to your offices any action might get you on facing legal claim by the national Oil Corporation, we would like to emphasis that the national Oil corporation NOC. Is located in Benghazi since the decree No (247) issued on the year 2013.

Sincerely yours

Elbadri -A

Dr.Abdussalam M. Elbadri

Deputy Prime Minister for Services Affairs
The Head of Oil & gas committee

LIBYAN INTERIM GOVERNMENT
Deputy Prime Minister for Services Affairs
PRIME MINISTER OFFICE

www.pm-ly.com +219 69 462 0625 +218 69 462 0621 البيضاء - المجمع الإداري

Source: Confidential

Annex 52 The Vienna Agreement

Translation into English of the Vienna Agreement:
Translated from Arabic

In the name of God the Merciful, the Compassionate

The State of Libya

Principles for the agreement to integrate and consolidate the oil sector

On 15 May 2016, with the country's best interests in mind, Naji Husayn al-Maghribi and Mustafa Abdullah San'ullah held their fourth meeting on the situation in the Libyan oil sector.

The participants reviewed with some concern the disturbing ramifications of the current situation in the oil sector. They focused on the importance of reinforcing and consolidating efforts to alleviate the suffering of Libyan citizens as a result of the impact on their livelihoods of the political conflict that has been going on in the country for more than two years. Production levels in the State of Libya, which is a member of the Organization of Petroleum Exporting Countries (OPEC) and has the largest reserves in Africa, are not even adequate for domestic demand.

The crisis does not end there. The country has been forced to use up a significant portion of the Central Bank's reserves in order to increase foreign fuel imports just to keep vital State facilities running. At the same time, the suspension of exports has led to an acute drain of Libyan assets that has had a negative impact on the value of the Libyan dinar and on citizens' quality of life.

It has become more urgent than ever to stop the bleeding, move beyond the painful past, face up to the many challenges, and overcome obstacles on the basis of a thorough understanding of the crisis, keeping in mind the country's best interests and the importance of using oil revenues to achieve genuine and balanced development across all regions of Libya without exception.

That being said, it goes without saying that the agreement should give priority to Benghazi. That city will be the lynchpin of the agreement, both because of the extent of the destruction there and because it has the potential to be an attractive environment. However, that can only happen if we build a strong economy by working together in the oil sector to revive production quickly and restore oil exports to normal levels.

In that spirit, and especially at this important juncture, as the State of Libya faces the most acute crisis in its modern history, these meetings are a test of our resolve and capacity to be on the right side of history. We, the decision-makers in the oil sector, have made a strategic choice to begin integrating and consolidating the National Oil Corporation in the country's best interests. Such a choice requires a deep appreciation for the nature of the crisis. At previous meetings, we discussed the ramifications for the country's present and future of the very real challenges faced by the oil sector. First and foremost, the participants engaged in a conscientious discussion of all pending issues, and laid out solutions for managing and overcoming them, with a view to initiating implementation as soon as the Presidency Council adopts the general framework agreement.

The attendees stressed that, mindful of the regulations in force in the State of Libya and the spirit and letter of the law, the agreement should incorporate, inter alia, the following points that came up during the meeting:

I. Chapter 1

The participants at the meeting agreed that Chapter 1 should address expenditures and salaries during the crisis in accordance with procedures followed by the oil sector in decades past.

II. Chapters 2 and 3

Mustafa Abdullah San'ullah stressed that Chapter 2, which covers current expenditures for operations, maintenance and production operations, and Chapter 3, which covers new projects and investments, should be consistent with guidelines, rules and regulations in force in the oil sector, with the law, and with properly documented data in the Corporation's books.

Naji Husayn al-Maghribi stressed that no new commitments should be undertaken in that regard, with a view to avoiding duplication and protecting the sector from fragmentation.

III. The participants discussed the following in some detail:

The participants appreciated the importance of supporting operating companies with adequate operating budgets to ensure uninterrupted production, and of maintaining exports to ensure the uninterrupted flow of hard currency revenues into the State of Libya.

Summary

In the light of the preceding, the participants agreed that sound legal principles should be adhered to rigorously, out of their conviction that such strict adherence would advance the interests of the homeland and its citizens.

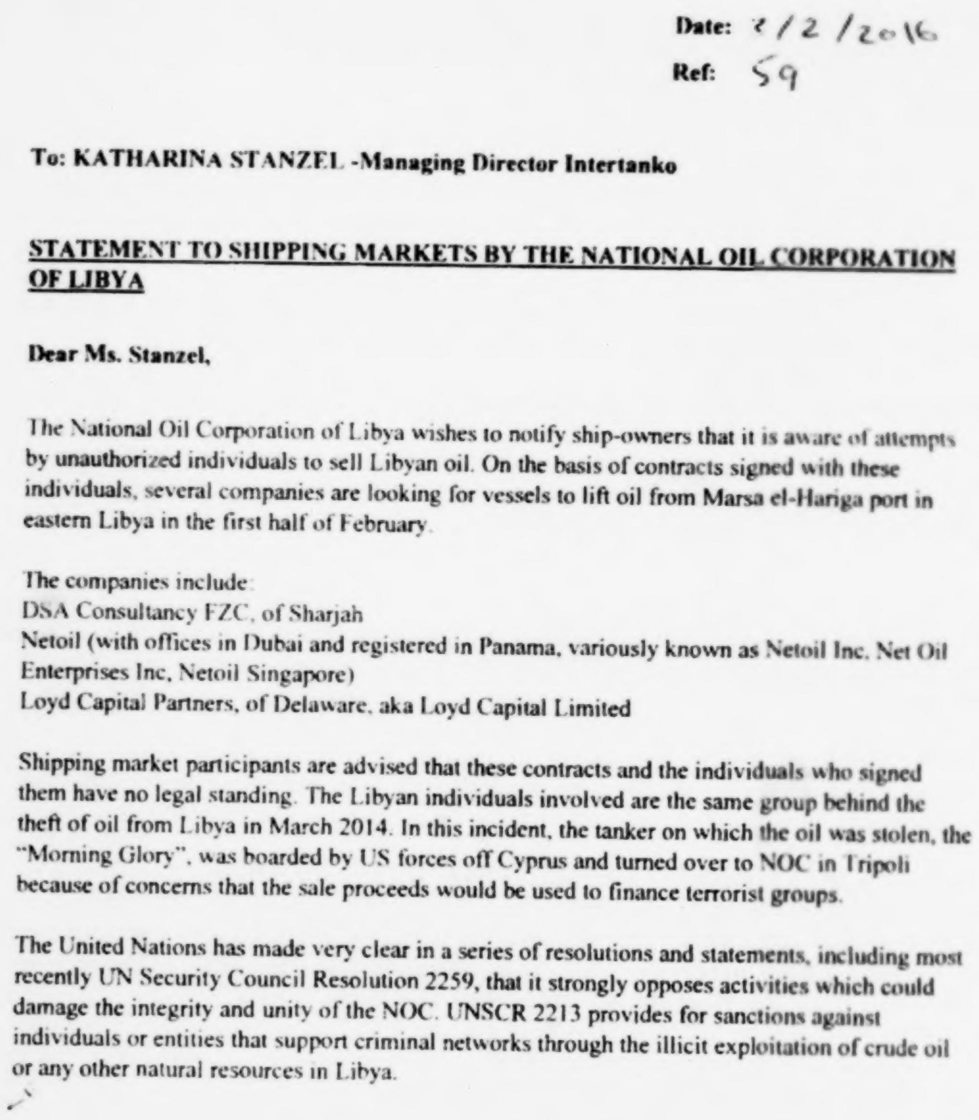
In keeping with our awareness of the uniqueness of this stage, we agreed to hold a meeting within the next few days, with everyone involved undertaking to do their part to mitigate the risks to the oil sector, in particular, and also to the country's vital facilities. The goal will be the following:

> Making clear to all the national forces in the State of Libya the dimensions and implications of the suspension of exports from the port of Hariqah, including the negative impact on the State's hard currency revenues; the importance of ensuring that all Libyans benefit from oil revenues; and the implications of the disruption of the regular operation of vital State facilities, including, inter alia, the following:

- Regular operation of electricity plants;
- Regular operation of water purification plants;
- Regular operation of strategic factories;
- Regular operation of hospitals and laboratories;
- Regular distribution of petrol for cars and trucks.

Annex 53 Western NOC efforts to prevent deals

Letter from the western NOC to the International Association of Independent Tanker Owners (INTERTANKO), warning them of the attempts of the eastern NOC:



Date: ٤ / 2 /2016
Ref: 59

To: KATHARINA STANZEL -Managing Director Intertanko

STATEMENT TO SHIPPING MARKETS BY THE NATIONAL OIL CORPORATION OF LIBYA

Dear Ms. Stanzel,

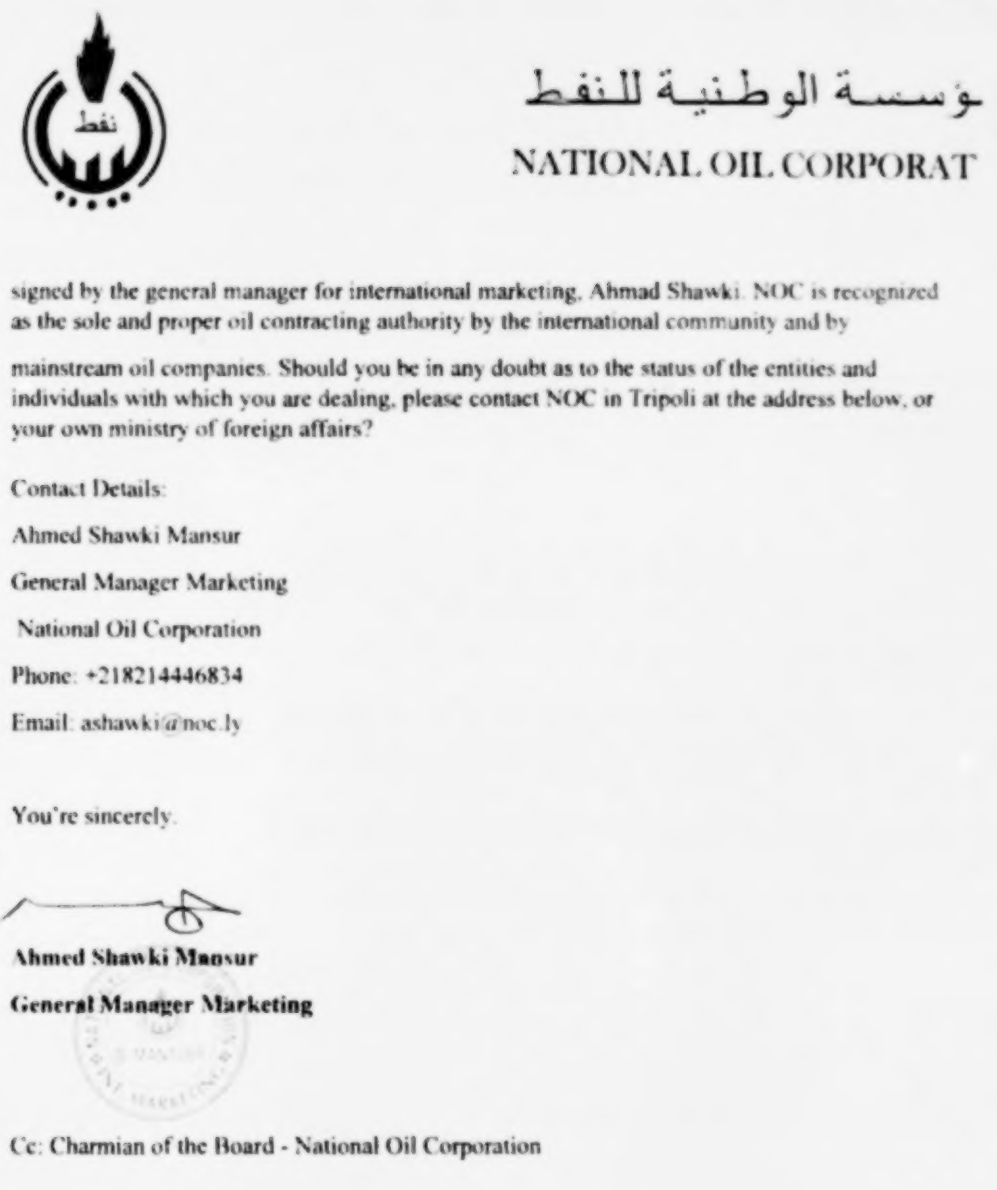
The National Oil Corporation of Libya wishes to notify ship-owners that it is aware of attempts by unauthorized individuals to sell Libyan oil. On the basis of contracts signed with these individuals, several companies are looking for vessels to lift oil from Marsa el-Hariga port in eastern Libya in the first half of February.

The companies include:
DSA Consultancy FZC, of Sharjah
Netoil (with offices in Dubai and registered in Panama, variously known as Netoil Inc, Net Oil Enterprises Inc, Netoil Singapore)
Loyd Capital Partners, of Delaware, aka Loyd Capital Limited

Shipping market participants are advised that these contracts and the individuals who signed them have no legal standing. The Libyan individuals involved are the same group behind the theft of oil from Libya in March 2014. In this incident, the tanker on which the oil was stolen, the "Morning Glory", was boarded by US forces off Cyprus and turned over to NOC in Tripoli because of concerns that the sale proceeds would be used to finance terrorist groups.

The United Nations has made very clear in a series of resolutions and statements, including most recently UN Security Council Resolution 2259, that it strongly opposes activities which could damage the integrity and unity of the NOC. UNSCR 2213 provides for sanctions against individuals or entities that support criminal networks through the illicit exploitation of crude oil or any other natural resources in Libya.

Source: Confidential



ؤسسة الوطنية للنفط

NATIONAL OIL CORPORAT

signed by the general manager for international marketing, Ahmad Shawki. NOC is recognized as the sole and proper oil contracting authority by the international community and by

mainstream oil companies. Should you be in any doubt as to the status of the entities and individuals with which you are dealing, please contact NOC in Tripoli at the address below, or your own ministry of foreign affairs?

Contact Details:

Ahmed Shawki Mansur

General Manager Marketing

National Oil Corporation

Phone: +218214446834

Email: ashawki@noc.ly

You're sincerely.

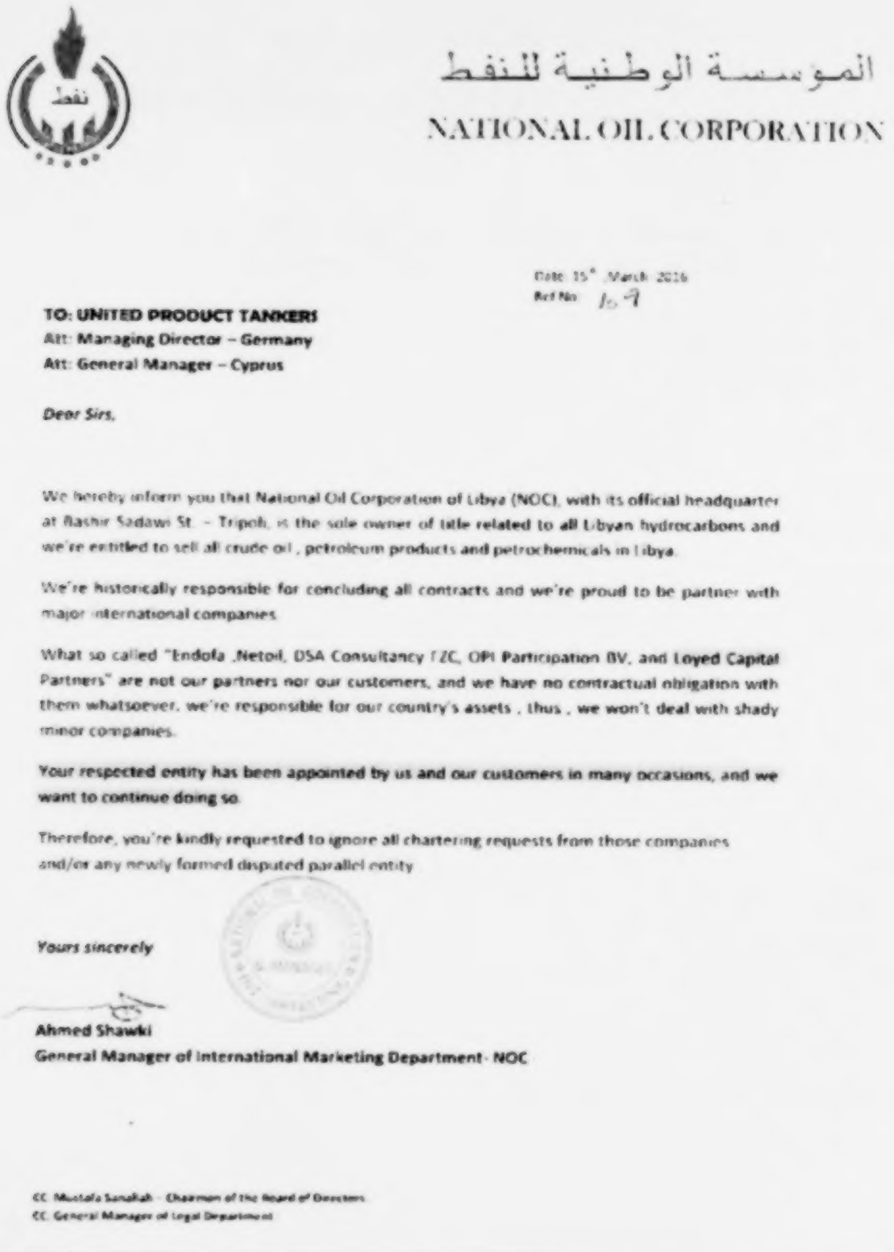
Ahmed Shawki Mansur

General Manager Marketing

Cc: Charmian of the Board - National Oil Corporation

Source: Confidential

On 15 March 2016, the western NOC sent the following letter to the owners of the tanker 'Baltic Captain I'. The vessel was heading to Tobruk to load a shipment of crude oil. The owners relented and the ship turned away.



المؤسسة الوطنية للنفط
NATIONAL OIL CORPORATION

Date 15th March 2016
Ref No 169

TO: UNITED PRODUCT TANKERS
Att: Managing Director – Germany
Att: General Manager – Cyprus

Dear Sirs,

We hereby inform you that National Oil Corporation of Libya (NOC), with its official headquarter at Bashir Sadawi St. – Tripoli, is the sole owner of title related to all Libyan hydrocarbons and we're entitled to sell all crude oil , petroleum products and petrochemicals in Libya.

We're historically responsible for concluding all contracts and we're proud to be partner with major international companies.

What so called "Endofa ,Netoil, DSA Consultancy FZC, OPI Participation BV, and Loyed Capital Partners" are not our partners nor our customers, and we have no contractual obligation with them whatsoever. we're responsible for our country's assets , thus , we won't deal with shady minor companies.

Your respected entity has been appointed by us and our customers in many occasions, and we want to continue doing so.

Therefore, you're kindly requested to ignore all chartering requests from those companies and/or any newly formed disputed parallel entity.

Yours sincerely

Ahmed Shawki
General Manager of International Marketing Department- NOC

CC. Mustafa Sanallah – Chairman of the Board of Directors
CC. General Manager of Legal Department

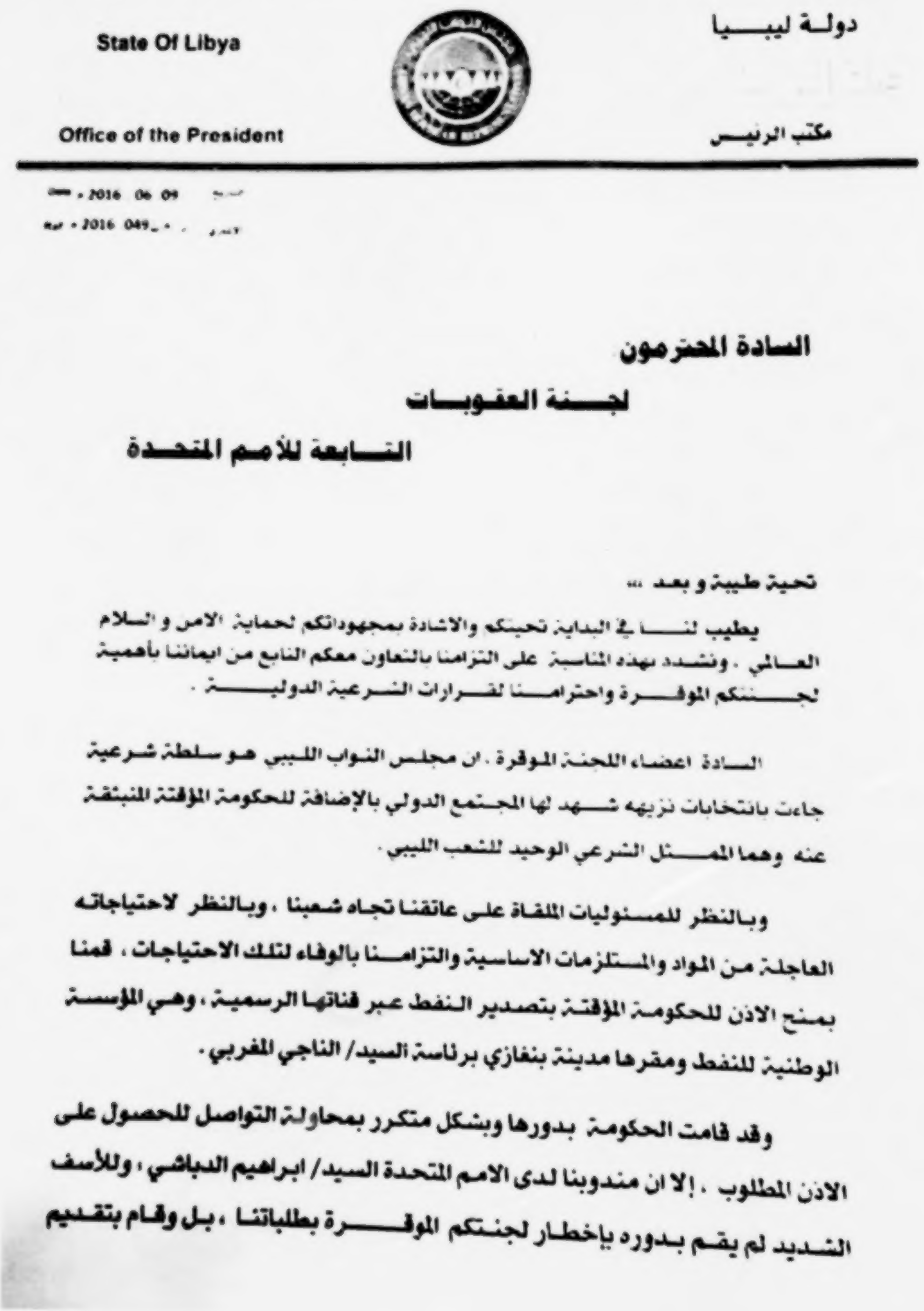
شارع بشير السعداوي _ ([illegible]) طرابلس / ليبيا - هاتف - + 218 21 334 5700 - 09 / + 218 21 333 7141 - 44

Bashir Sadawi st.   P.o Box : 2655 - 5335   Tripoli - Libya   Tel : + 218 21 334 5700 - 09 / + 218 21 333 7141 _ 44

Source: Confidential

Annex 54 Reluctance against the Vienna Agreement

Letter by the President of the HoR raising the need to review the contract that the western NOC had signed with Glencore, signed on 9 June 2016:



State Of Libya
Office of the President

دولة ليبيا
مكتب الرئيس

[illegible] • 2016 06 09
Ref • 2016 049_ •

السادة المحترمون

لجنة العقوبات

التابعة للأمم المتحدة

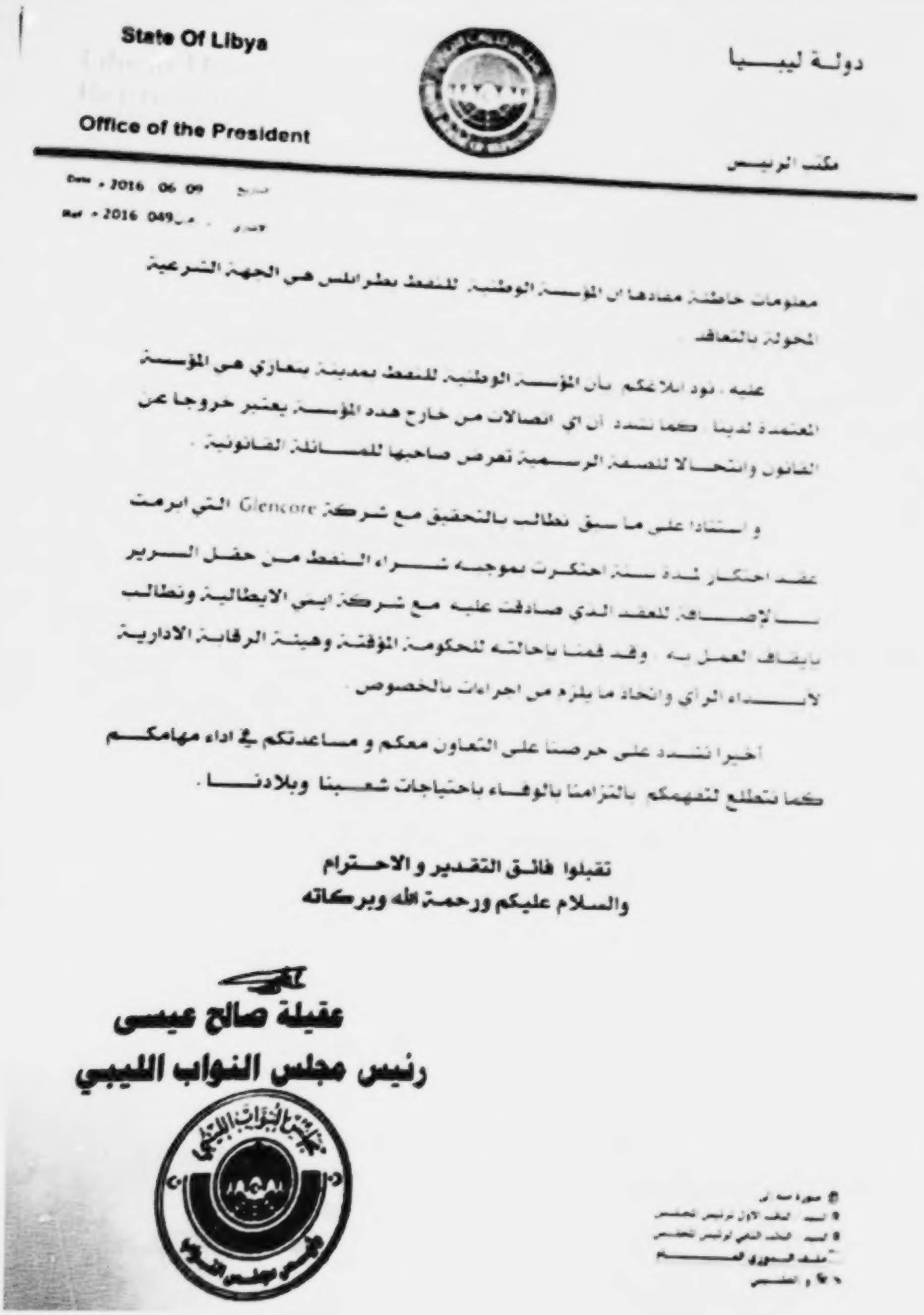
تحية طيبة و بعد ...

يطيب لنا في البداية تحيتكم والاشادة بمجهوداتكم لحماية الامن و السلام العالمي . ونشدد بهذه المناسبة على التزامنا بالتعاون معكم النابع من ايماننا بأهمية لجنتكم الموقرة واحترامنا لقرارات الشرعية الدولية .

السادة اعضاء اللجنة الموقرة . ان مجلس النواب الليبي هو سلطة شرعية جاءت بانتخابات نزيهه شهد لها المجتمع الدولي بالإضافة للحكومة المؤقتة المنبثقة عنه وهما الممثل الشرعي الوحيد للشعب الليبي .

وبالنظر للمسئوليات الملقاة على عاتقنا تجاه شعبنا ، وبالنظر لاحتياجاته العاجلة من المواد والمستلزمات الاساسية والتزامنا بالوفاء لتلك الاحتياجات ، قمنا بمنح الاذن للحكومة المؤقتة بتصدير النفط عبر قناتها الرسمية ، وهي المؤسسة الوطنية للنفط ومقرها مدينة بنغازي برئاسة السيد/ الناجي المغربي .

وقد قامت الحكومة بدورها وبشكل متكرر بمحاولة التواصل للحصول على الاذن المطلوب ، إلا ان مندوبنا لدى الامم المتحدة السيد/ ابراهيم الدباشي ، وللأسف الشديد لم يقم بدوره بإخطار لجنتكم الموقرة بطلباتنا ، بل وقام بتقديم



State Of Libya

Office of the President

دولـة ليبـــيا

مكتب الرئيس

Date • 2016 06 09 التاريخ

Ref • 2016 049 الإشاري

معلومات خاطئة مفادها ان المؤسسة الوطنية للنفط بطرابلس هي الجهة الشرعية المخولة بالتعاقد .

عليه ، نود ابلاغكم بان المؤسسة الوطنية للنفط بمدينة بنغازي هي المؤسسة المعتمدة لدينا . كما نشدد أن اي اتصالات من خارج هده المؤسسة يعتبر خروجا عن القانون وانتحالا للصفة الرسمية تعرض صاحبها للمسائلة القانونية .

و استنادا على ما سبق نطالب بالتحقيق مع شركة Glencore التي ابرمت عقد احتكار لمدة سنة احتكرت بموجبه شراء النفط من حقل السرير بالإضافة للعقد الذي صادقت عليه مع شركة ايني الايطالية ونطالب بايقاف العمل به . وقد قمنا باحالته للحكومة المؤقتة وهيئة الرقابة الادارية لابداء الرأي واتخاذ ما يلزم من اجراءات بالخصوص .

أخيرا نشدد على حرصنا على التعاون معكم و مساعدتكم في اداء مهامكم كما نتطلع لتفهمكم بالتزامنا بالوفاء باحتياجات شعبنا وبلادنا .

تقبلوا فائق التقدير و الاحترام

والسلام عليكم ورحمة الله وبركاته

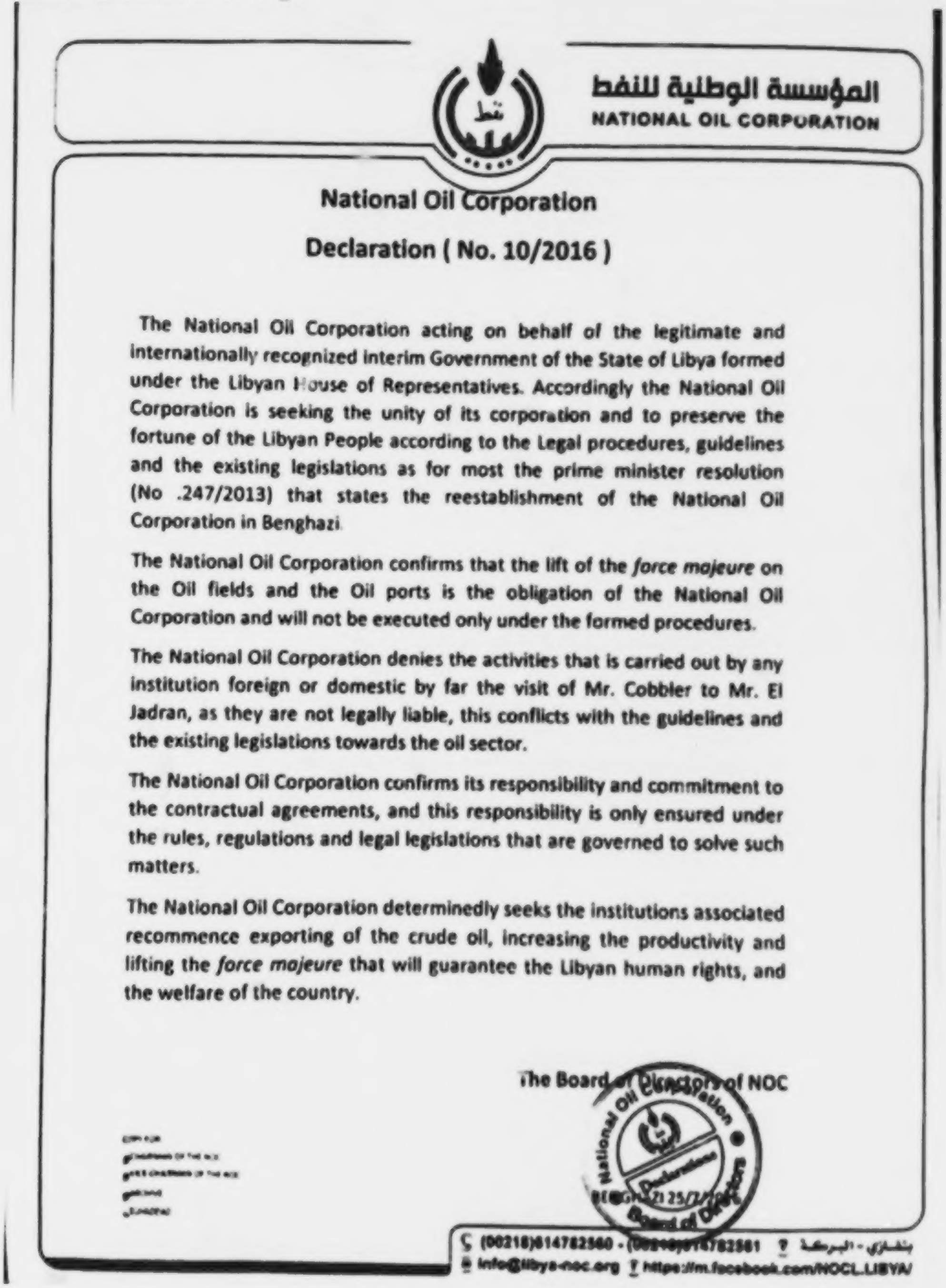
عقيلة صالح عيسى

رئيس مجلس النواب الليبي

- صورة الى :
- السيد / النائب الأول لرئيس المجلس
- السيد / النائب الثاني لرئيس المجلس
- [illegible]
- [illegible]

Source: Confidential

After the Istanbul agreement was signed on 2 July 2016, the eastern NOC board of directors seems to remain operational at some level, issuing sporadic statements, such as the following, signed on 25 July 2016. It shows some resistance to dissolving:



المؤسسة الوطنية للنفط
NATIONAL OIL CORPORATION

National Oil Corporation

Declaration (No. 10/2016)

The National Oil Corporation acting on behalf of the legitimate and internationally recognized interim Government of the State of Libya formed under the Libyan House of Representatives. Accordingly the National Oil Corporation is seeking the unity of its corporation and to preserve the fortune of the Libyan People according to the Legal procedures, guidelines and the existing legislations as for most the prime minister resolution (No .247/2013) that states the reestablishment of the National Oil Corporation in Benghazi.

The National Oil Corporation confirms that the lift of the *force majeure* on the Oil fields and the Oil ports is the obligation of the National Oil Corporation and will not be executed only under the formed procedures.

The National Oil Corporation denies the activities that is carried out by any institution foreign or domestic by far the visit of Mr. Cobbler to Mr. El Jadran, as they are not legally liable, this conflicts with the guidelines and the existing legislations towards the oil sector.

The National Oil Corporation confirms its responsibility and commitment to the contractual agreements, and this responsibility is only ensured under the rules, regulations and legal legislations that are governed to solve such matters.

The National Oil Corporation determinedly seeks the institutions associated recommence exporting of the crude oil, increasing the productivity and lifting the *force majeure* that will guarantee the Libyan human rights, and the welfare of the country.

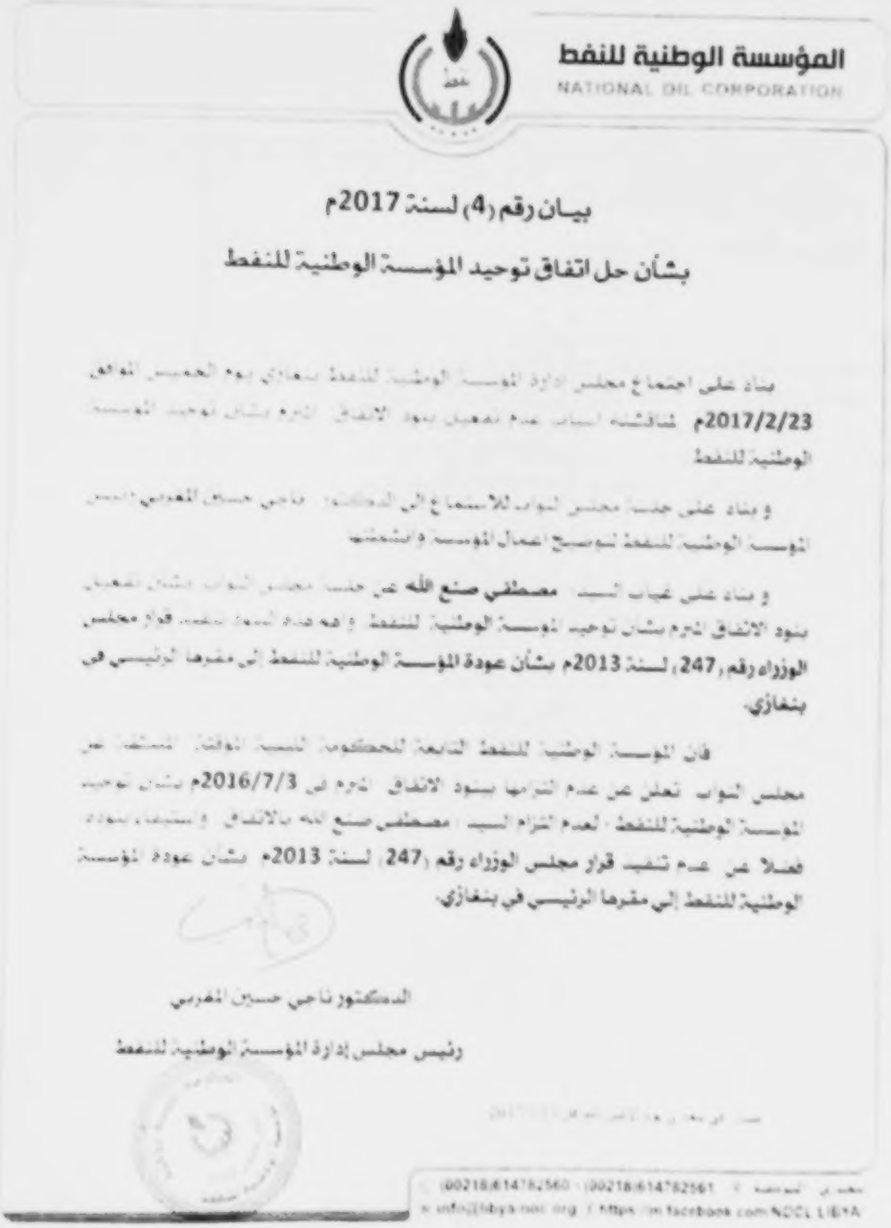
The Board of Directors of NOC

25/7/2016

(00218)614782560 - (00218)614782561 بنغازي - البركة
info@libya-noc.org https://m.facebook.com/NOCL.LIBYA/

Source: Confidential

Annex 55 Repeal of the Vienna Agreement



المؤسسة الوطنية للنفط
NATIONAL OIL CORPORATION

بيان رقم (4) لسنة 2017م

بشأن حل اتفاق توحيد المؤسسة الوطنية للنفط

بناء على اجتماع مجلس إدارة المؤسسة الوطنية للنفط ببنغازي يوم الخميس الموافق **2017/2/23م** لمناقشة أسباب عدم تفعيل بنود الاتفاق المبرم بشأن توحيد المؤسسة الوطنية للنفط

وبناء على جلسة مجلس النواب للاستماع إلى الدكتور/ ناجي حسين المغربي رئيس المؤسسة الوطنية للنفط لتوضيح أعمال المؤسسة وأنشطتها

وبناء على غياب السيد/ **مصطفى صنع الله** عن جلسة مجلس النواب بشأن تفعيل بنود الاتفاق المبرم بشأن توحيد المؤسسة الوطنية للنفط وأنه قد تم عدم تنفيذ قرار مجلس **الوزراء رقم (247) لسنة 2013م بشأن عودة المؤسسة الوطنية للنفط إلى مقرها الرئيسي في بنغازي.**

فإن المؤسسة الوطنية للنفط التابعة للحكومة الليبية المؤقتة المنبثقة عن مجلس النواب تعلن عن عدم التزامها ببنود الاتفاق المبرم في **2016/7/3م** بشأن توحيد المؤسسة الوطنية للنفط، لعدم التزام السيد/ مصطفى صنع الله بالاتفاق واستبعاد بنوده فضلا عن عدم تنفيذ **قرار مجلس الوزراء رقم (247) لسنة 2013م بشأن عودة المؤسسة الوطنية للنفط إلى مقرها الرئيسي في بنغازي.**

الدكتور ناجي حسين المغربي
رئيس مجلس إدارة المؤسسة الوطنية للنفط

[illegible] 2017

(00218)614782560 - (00218)614782561
info@libyanoc.org | https://m.facebook.com/NOCL.LIBYA

Source: Social media

Annex 56 Eastern vs. western banknotes

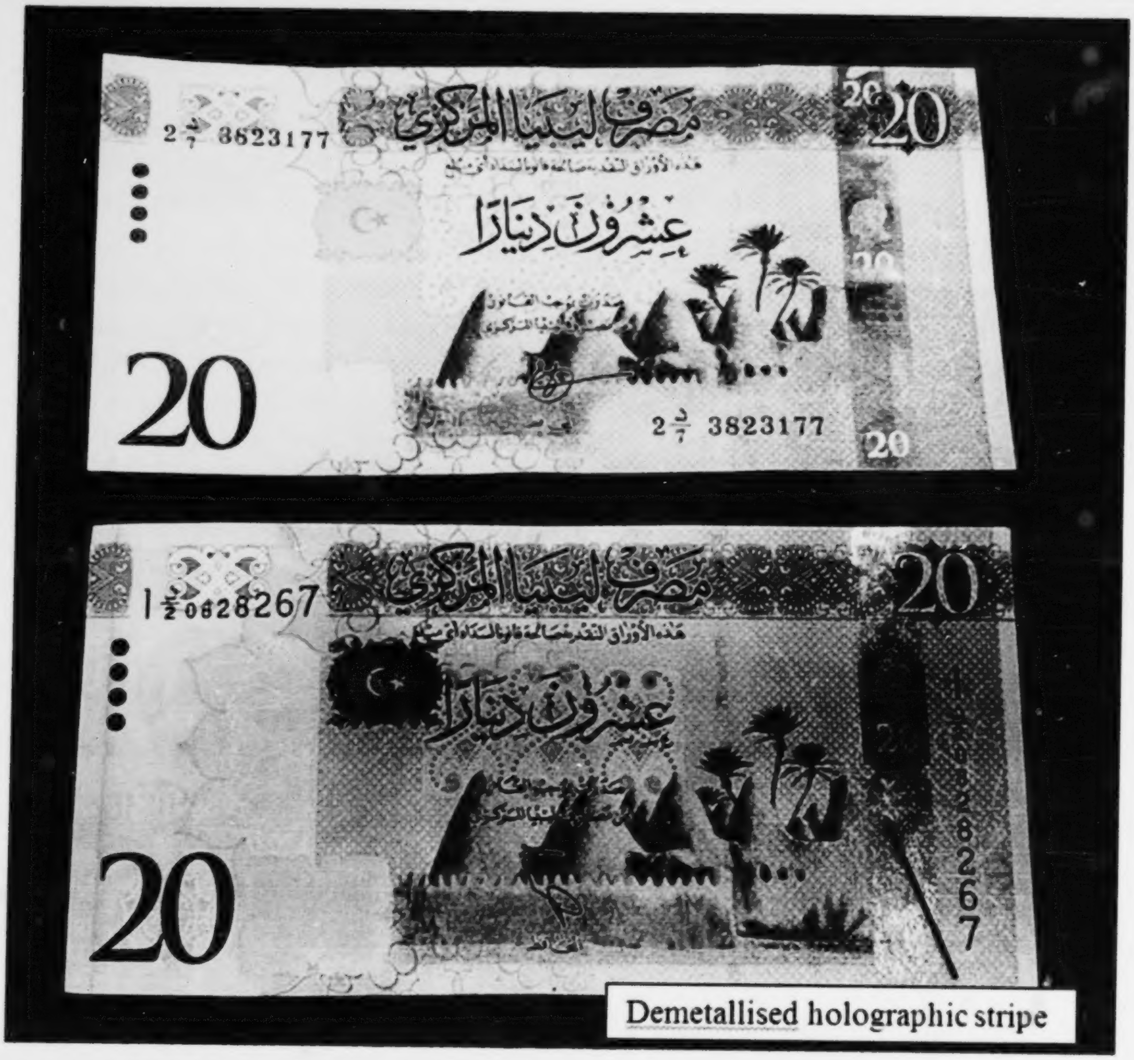
1. This Annex contains a simplified summary of a comparative analysis provided by a banknote printing specialist of samples collected by the Panel. The analysis shows that significant efforts were made to make a copy of the LYD 20 banknote that stays as true as possible to the original note. However, some printer specific features were changed.

2. The CBL in Tripoli has refused to distribute the eastern sourced cash. It reported to the Panel that the new notes were not safe enough because 40% of the security features were sacrificed. This appears to be only partially true. Whereas the original LYD 20 note is assessed by experts to be indeed superior in terms of security features, as reflected in the analysis below, the difference is not great. The cash ordered by the eastern CBL is in fact considered to have good counterfeit resistance as well.

3. It would therefore appear that the CBL in Tripoli's decision to block the distribution of the alternative cash is motivated by other reasons. On the one hand, the distribution of different banknotes is generally considered to be undesirable. On the other hand, the CBL in Tripoli has systematically refused to make any concessions to its eastern rival.

Specialist comparison and analysis

4. The analysis below focuses on the differences between the banknotes. Security features that are very similar, such as the watermarks, are not discussed.



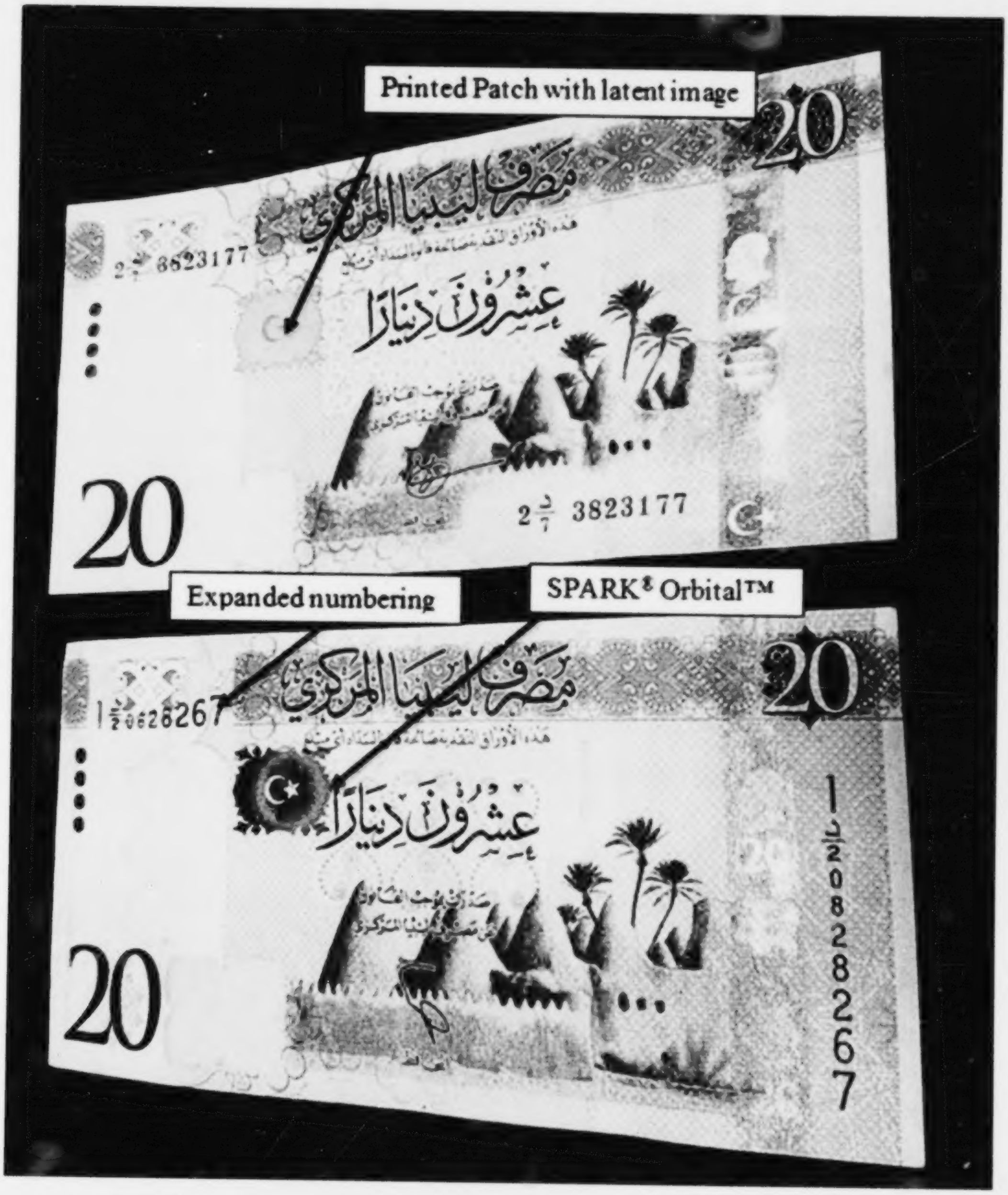
Photograph 1: Front view of banknotes –alternative banknote (top) and original banknote (bottom)

5. Both banknotes are very similar in appearance. The quality of the 'paper' (ia cotton-based substrate) is also the same. The printing of both notes is generally of a very high quality and includes intaglio printed features.

6. However, the level 1 and level 2 security features are clearly different:

- The original note has a more secure demetallised holographic stripe (removal of part of diffractive foil on both edges of the stripe).
- The original note uses expanding numbering, whereas the new note does not.
- Around the crescent symbol, the original note uses De La Rue's SPARK technology, a high security, overt (public) verification feature using magnetic colour shift ink. In the same area

the new note features a latent image that can only be viewed in bright light at an acute angle. This is probably the most significant difference between the two notes.


Printed Patch with latent image
Expanded numbering
SPARK® Orbital™
20
2 د/7 3823177
1 د/2 0828267
مصرف ليبيا المركزي
عشرون دينارا

Photograph 2: front side, oblique angle - alternative banknote (top) and original banknote (bottom)

- On the reverse side, the thread in the original note is a colour shift thread, while the thread on the alternative note is Goznak's Mobile thread in which the alternate '20' numerals, move from right to left and left to right when the note is tilted. Both threads offer good security but the thread in the original note does not have the uniqueness of the new one.

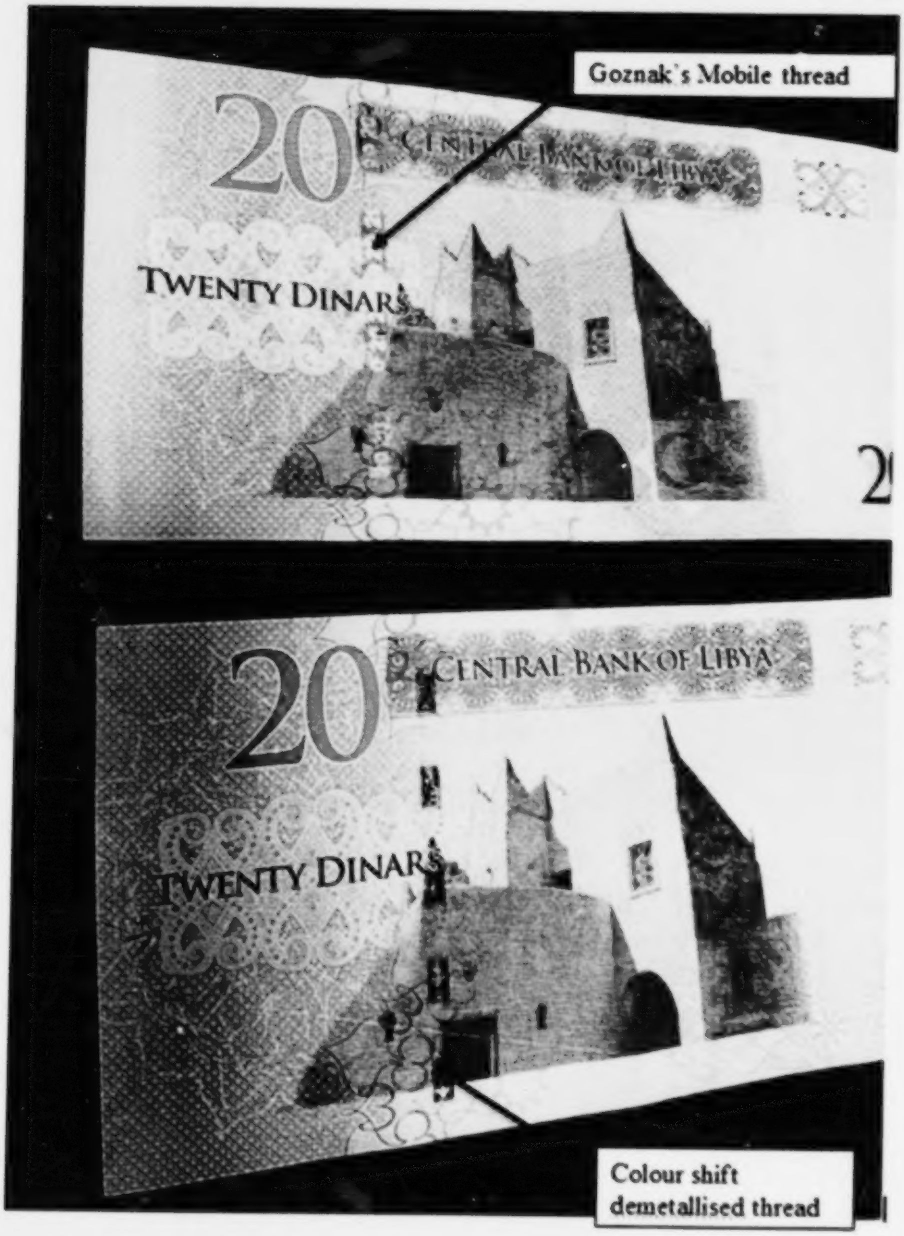
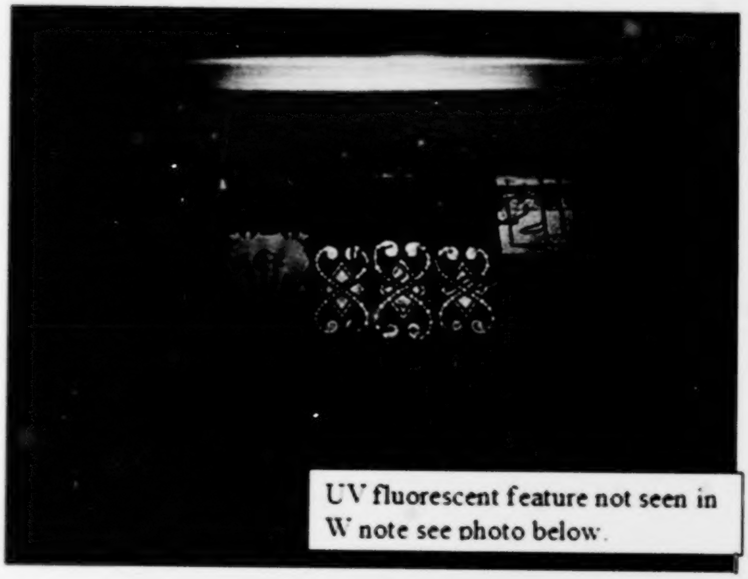

Goznak's Mobile thread
20
CENTRAL BANK OF LIBYA
TWENTY DINARS
20
CENTRAL BANK OF LIBYA
TWENTY DINARS
Colour shift demetallised thread

Photo 4: Reverse side of notes showing threads - alternative (top) and original (bottom)

- Under UV light a few differences show. The new note shows an additional orange fluorescent feature whereas on the original note the red UV fibres shine more brightly. However, overall, the UV features offer similar security on the two notes.



UV fluorescent feature not seen in W note see photo below.

Photo 5: UV features on front of alternative banknote

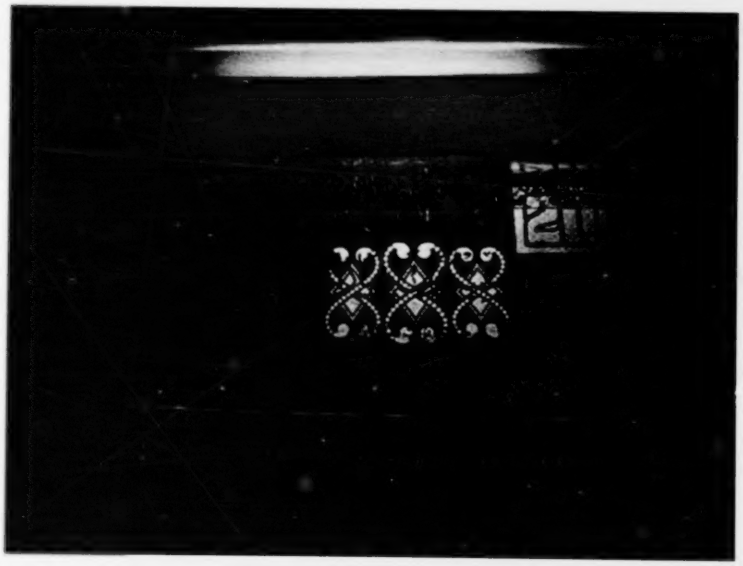
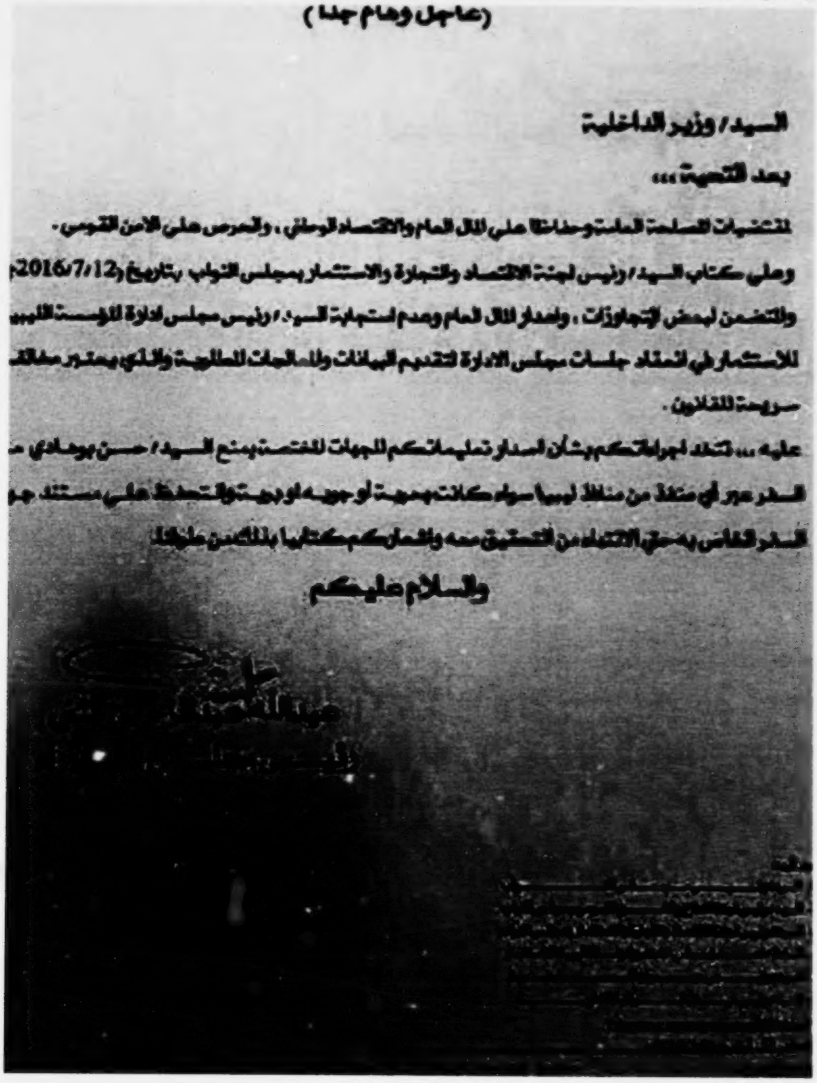


Photo 6: Covert features on front of original banknote

- An infrared analysis of both notes did not immediately reveal significant differences.
- The level 3 security features were not tested. The method of authentication for these features is usually exclusive to Central Banks.

Annex 57 Letter from Abdallah al-Thinni to his 'Minister of Interior'

Al-Thinni asks to restrict the movements of Hassan Bouhadi and seize his passport.



(عاجل وهام جدا)

السيد/ وزير الداخلية

بعد التحية ،،،

لمقتضيات المصلحة العامة وحفاظا على المال العام والاقتصاد الوطني ، والحرص على الأمن القومي .

وعلى كتاب السيد/ رئيس لجنة الاقتصاد والتجارة والاستثمار بمجلس النواب بتاريخ (2016/7/12م والمتضمن لبعض التجاوزات ، واهدار المال العام وعدم استجابة السيد/ رئيس مجلس ادارة المؤسسة الليبي للاستثمار في انعقاد جلسات مجلس الادارة لتقديم البيانات والمعالجات المطلوبة والذي يعتبر مخالف صريحة للقانون .

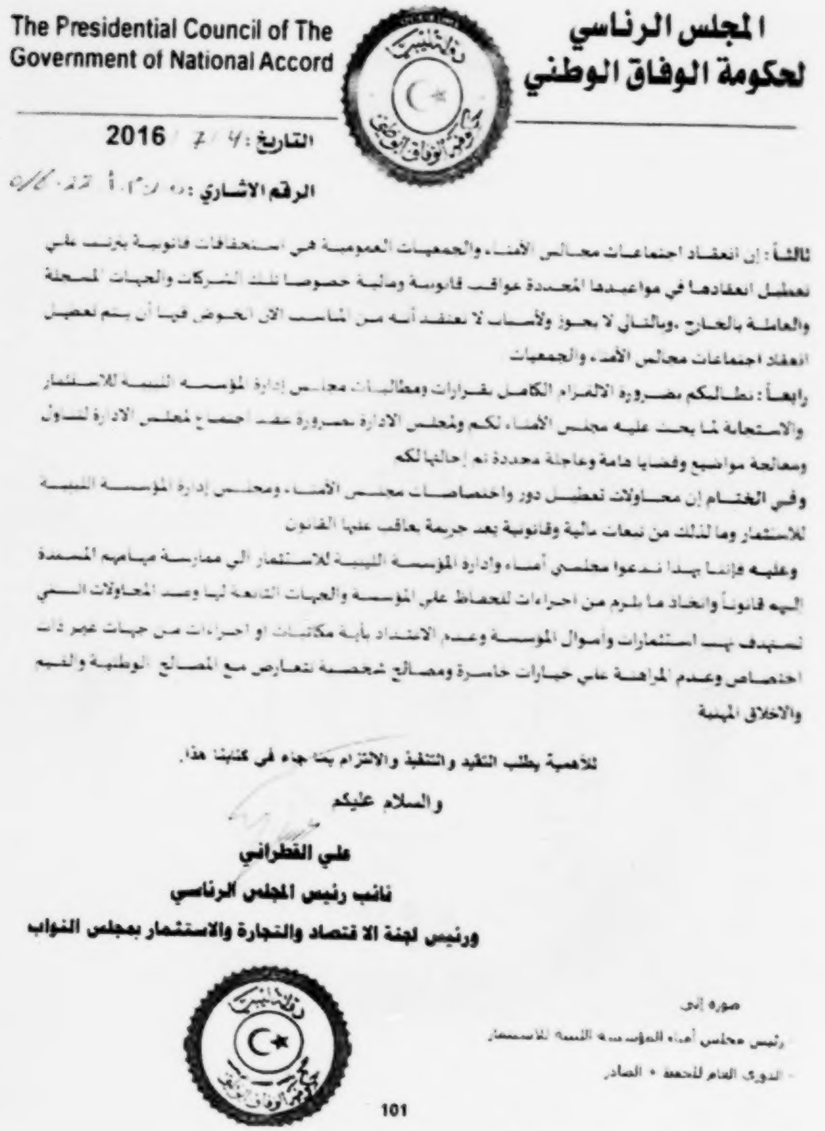
عليه ،،، نأمل اجراءاتكم بشأن اصدار تعليماتكم للجهات المختصة بمنع السيد/ حسن بوهادي م السفر عبر أي منفذ من منافذ ليبيا سواء كانت بحرية أو جويه او برية والتحفظ على مستند جو السفر الخاص به حتى الانتهاء من التحقيق معه واشعاركم كتابيا بالمتخذ من اجراءات

والسلام عليكم

Source: LIA, Malta office

Annex 58 Letter by al-Qatrani

The letter states that the current board of trustees, composed of ministers from the al-Thinni government, appointed after the signing of the LPA, is the only legitimate authority to supervise the LIA while GNA approval by the HoR is awaited.



The Presidential Council of The
Government of National Accord

المجلس الرئاسي
لحكومة الوفاق الوطني

التاريخ : 4 / 7 / 2016

الرقم الاشاري : [illegible]

ثالثاً : إن انعقاد اجتماعات مجالس الأمناء والجمعيات العمومية هي استحقاقات قانونية يترتب على تعطيل انعقادها في مواعيدها المحددة عواقب قانونية ومالية خصوصا تلك الشركات والجهات المسجلة والعاملة بالخارج ،وبالتالي لا يجوز ولأسباب لا نعتقد أنه من المناسب الآن الخوض فيها أن يتم تعطيل انعقاد اجتماعات مجالس الأمناء والجمعيات

رابعاً : نطالبكم بضرورة الالتزام الكامل بقرارات ومطالبات مجلس إدارة المؤسسة الليبية للاستثمار والاستجابة لما يحث عليه مجلس الأمناء لكم ولمجلس الادارة بضرورة عقد اجتماع لمجلس الادارة لتناول ومعالجة مواضيع وقضايا هامة وعاجلة محددة تم إحالتها لكم

وفي الختام إن محاولات تعطيل دور واختصاصات مجلس الأمناء ومجلس إدارة المؤسسة الليبية للاستثمار وما لذلك من تبعات مالية وقانونية يعد جريمة يعاقب عليها القانون

وعليه فإننا بهذا ندعوا مجلسي أمناء وإدارة المؤسسة الليبية للاستثمار الى ممارسة مهامهم المسندة اليهم قانوناً واتخاذ ما يلزم من اجراءات للحفاظ على المؤسسة والجهات التابعة لها وصد المحاولات التي تستهدف نهب استثمارات وأموال المؤسسة وعدم الاعتداد بأية مكاتبات او اجراءات من جهات غير ذات اختصاص وعدم المراهنة على خيارات خاسرة ومصالح شخصية تتعارض مع المصالح الوطنية والقيم والاخلاق المهنية

للأهمية يطلب التقيد والتنفيذ والالتزام بما جاء في كتابنا هذا.

والسلام عليكم

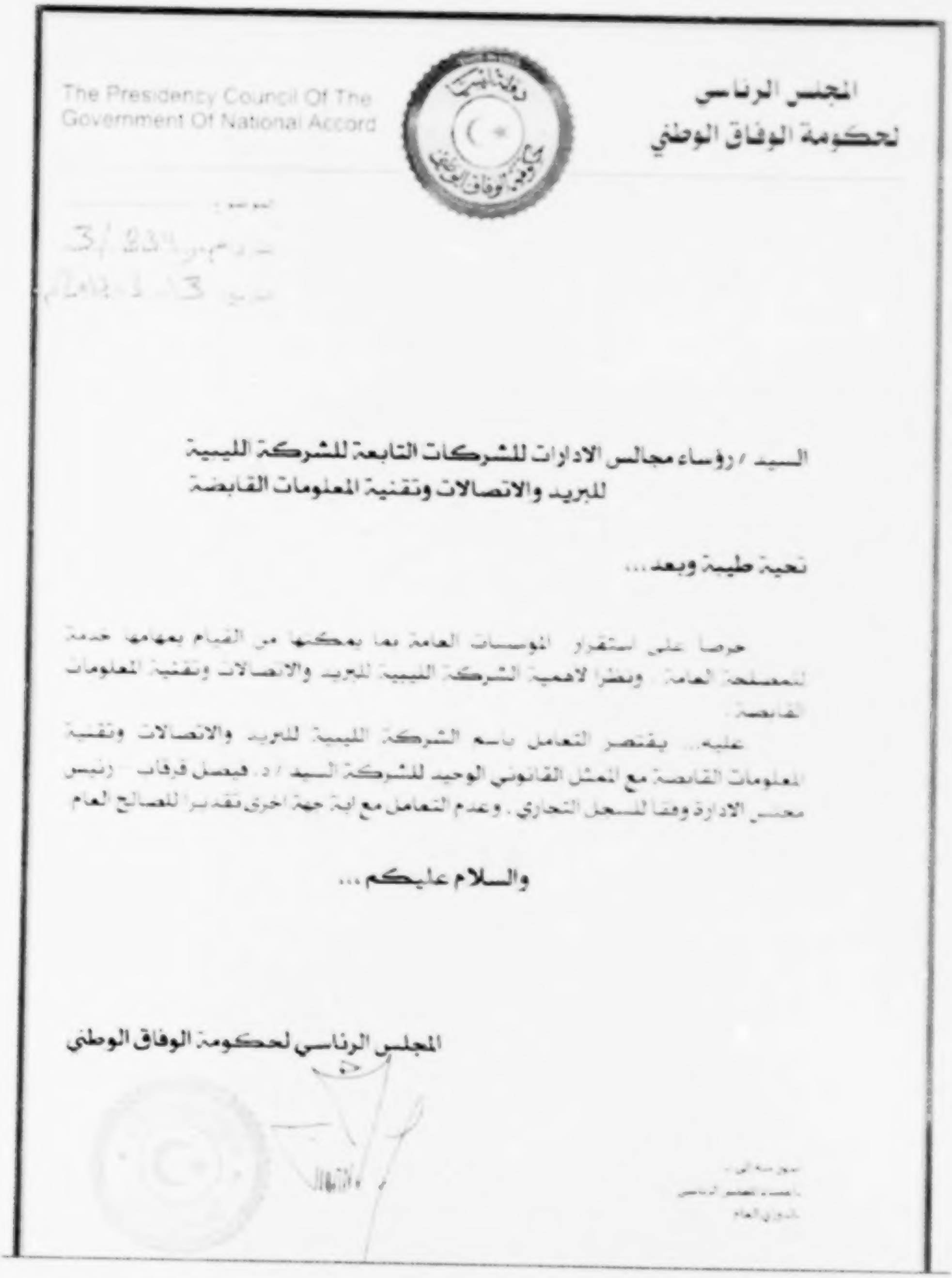
علي القطراني
نائب رئيس المجلس الرئاسي
ورئيس لجنة الاقتصاد والتجارة والاستثمار بمجلس النواب

صورة إلى
- رئيس مجلس أمناء المؤسسة الليبية للاستثمار
- الدوري العام للحفظ + الصادر

101

Source: LIA, Malta office

Annex 59 PC letter to LPTIC subsidiaries concerning position of CEO



المجلس الرئاسي
لحكومة الوفاق الوطني

The Presidency Council Of The
Government Of National Accord

3/234
2017-1-3

السيد / رؤساء مجالس الادارات للشركات التابعة للشركة الليبية للبريد والاتصالات وتقنية المعلومات القابضة

تحية طيبة وبعد...

حرصا على استقرار المؤسسات العامة مما يمكنها من القيام بمهامها خدمة للمصلحة العامة، ونظرا لاهمية الشركة الليبية للبريد والاتصالات وتقنية المعلومات القابضة.

عليه... يقتصر التعامل باسم الشركة الليبية للبريد والاتصالات وتقنية المعلومات القابضة مع الممثل القانوني الوحيد للشركة السيد / د. فيصل قرقاب - رئيس مجلس الادارة وفقا للسجل التجاري. وعدم التعامل مع اية جهة اخرى تقديرا للصالح العام

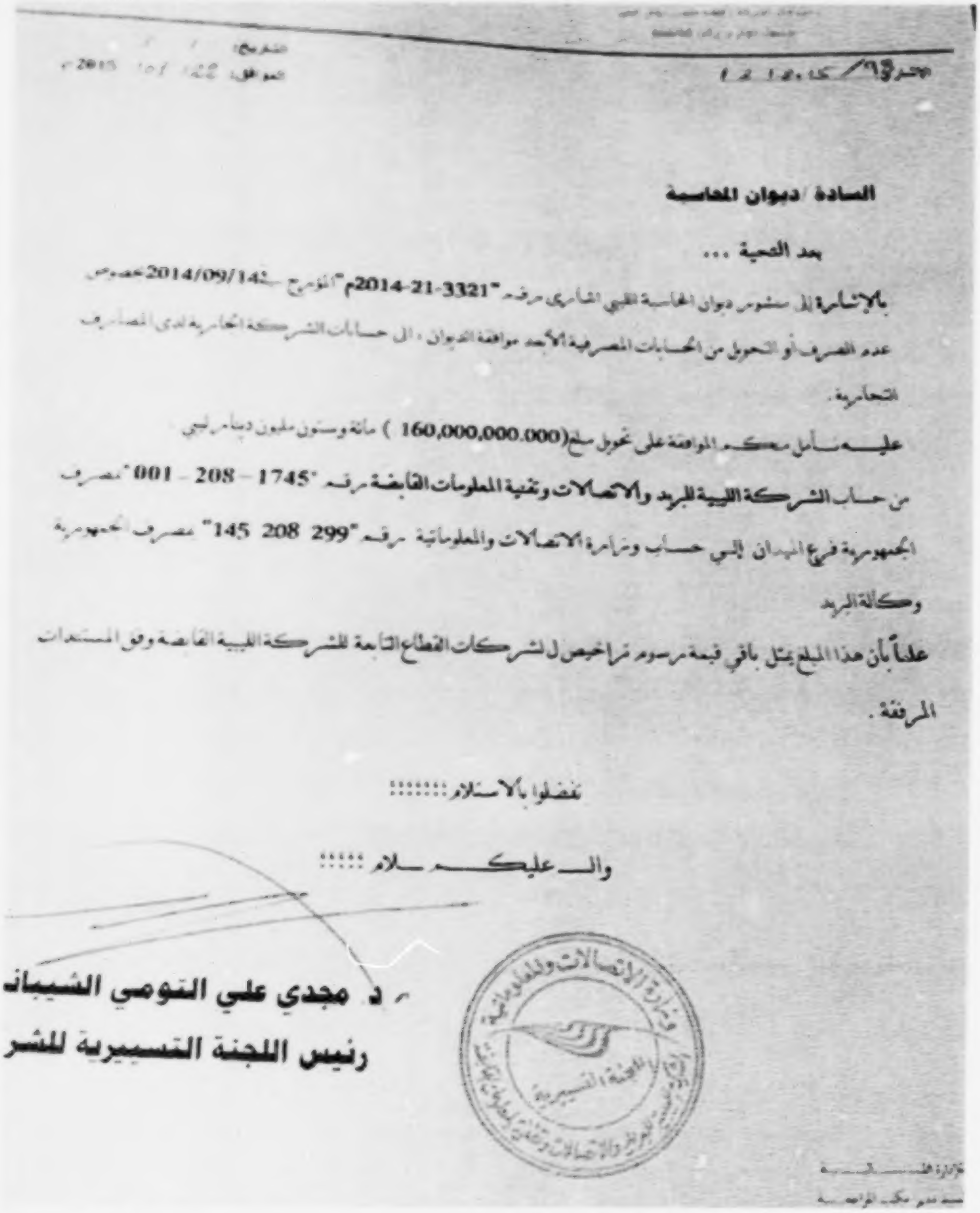
والسلام عليكم...

المجلس الرئاسي لحكومة الوفاق الوطني

Source: LPTIC

Annex 60 Documentation indicating that LPTIC company funds were transferred to the Ministry of Telecommunication

One of the documents received appears to be a January 2015 request by al-Fantazi to the Audit Bureau to transfer LYD 160 million from a LPTIC account directly into an account of the Ministry of Telecommunication, thereby bypassing the Ministry of Finance.



التاريخ:
الموافق: 22/ 01/ 2015م

12.1.2015

السادة / ديوان المحاسبة

بعد التحية ...

بالإشارة إلى منشور ديوان المحاسبة الليبي الساري رقم "3321-21-2014م" المؤرخ في 2014/09/14م بخصوص عدم الصرف أو التحويل من الحسابات المصرفية إلا بعد موافقة الديوان، إلى حسابات الشركة الجارية لدى المصارف التجارية.

عليه نأمل منكم الموافقة على تحويل مبلغ (160,000,000.000) مائة وستون مليون دينار ليبي من حساب الشركة الليبية للبريد والاتصالات وتقنية المعلومات القابضة رقم "1745 - 208 - 001" مصرف الجمهورية فرع الميدان إلى حساب وزارة الاتصالات والمعلوماتية رقم "299 208 145" مصرف الجمهورية وكالة البريد

علماً بأن هذا المبلغ يمثل باقي قيمة رسوم تراخيص لشركات القطاع التابعة للشركة الليبية القابضة وفق المستندات المرفقة.

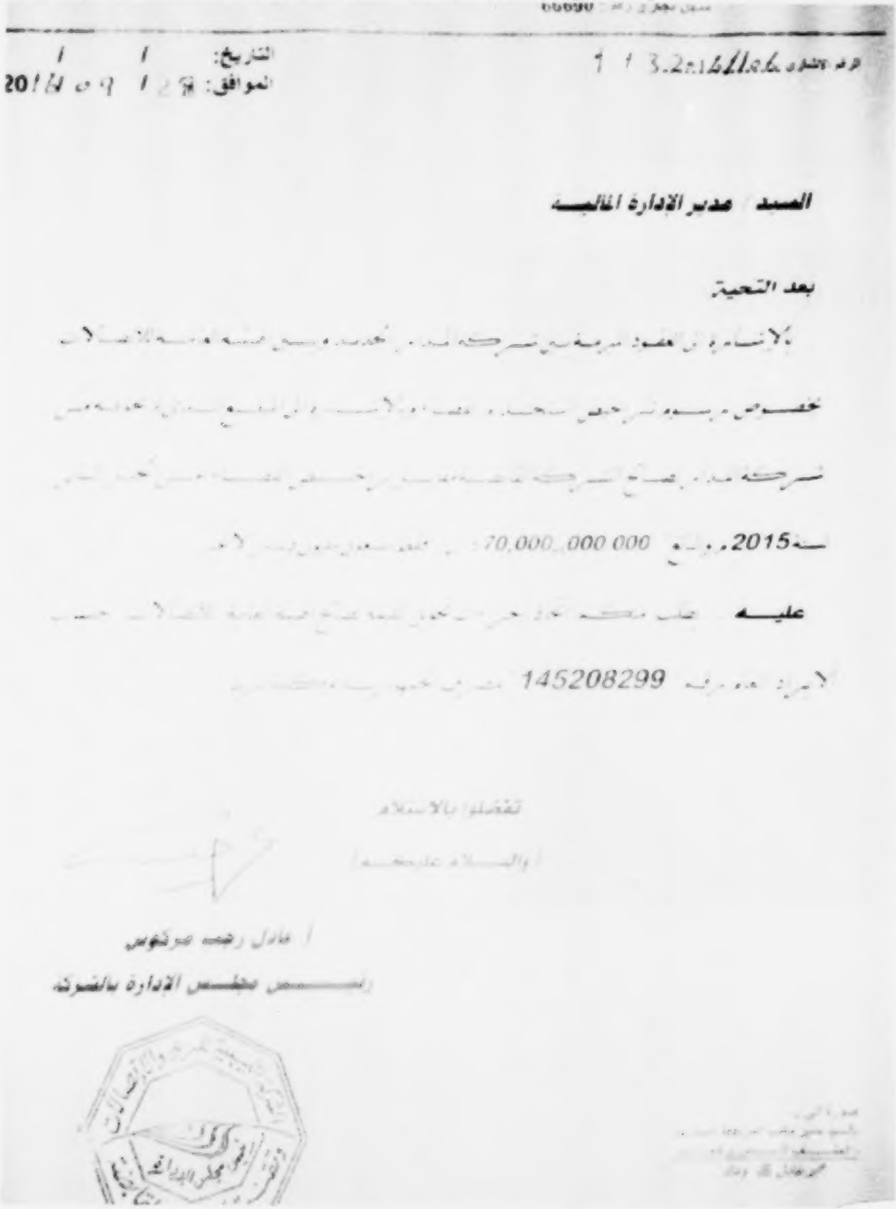
تفضلوا بالاستلام ::::::::

والسلام عليكم :::::

د. مجدي علي التومي الشيبان
رئيس اللجنة التسييرية للشر

Source: LPTIC

Another document from September 2016 shows that the Almadar Aljadeed company, a mobile phone operator and subsidiary of LPTIC, was requested by LPTIC to pay USD 70 million directly into the account of the Ministry of Telecommunication for the use of electromagnetic spectrum.



66690

[illegible] 113.2016

التاريخ: / /
الموافق: 28 / 09 / 2016

السيد / مدير الإدارة المالية

بعد التحية،

[illegible]

[illegible]

[illegible]

سنة **2015** [illegible] 70,000,000 000 [illegible]

عليه [illegible]

[illegible] 145208299 [illegible]

تفضلوا بالاستلام

(والسلام عليكم)

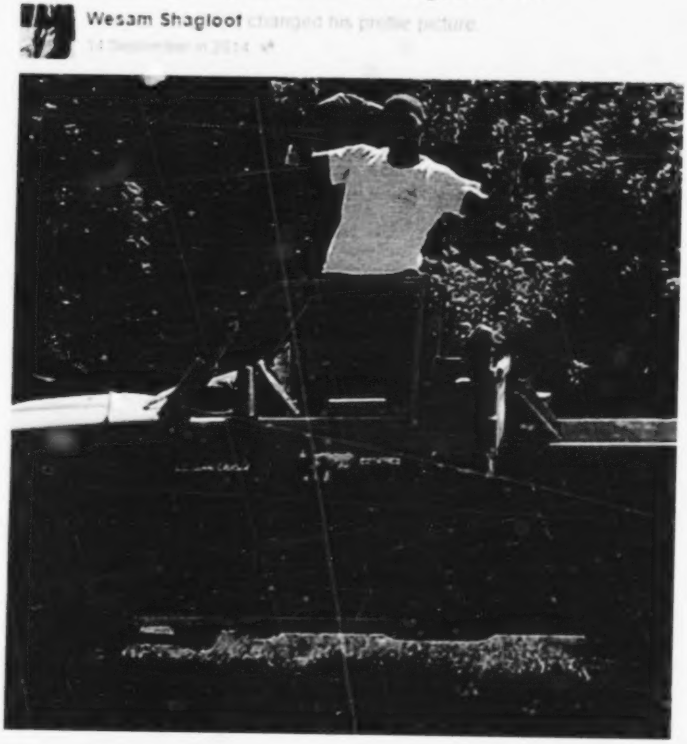
أ/ عادل [illegible]
رئيس مجلس الإدارة بالشركة

Source: LPTIC

Annex 61 Armed group interference at the LAIP

1. In November and December 2014, the 'Desert brigade' from Misrata, led by Wesam Shagloof, reportedly assisted a rival Chairman of the LAIP, Abd al-Rahman Ayad, and his CEO Mohsen Derregia, to take control of the LAIP office in Tripoli. They were subsequently rewarded with contracts and salaries.

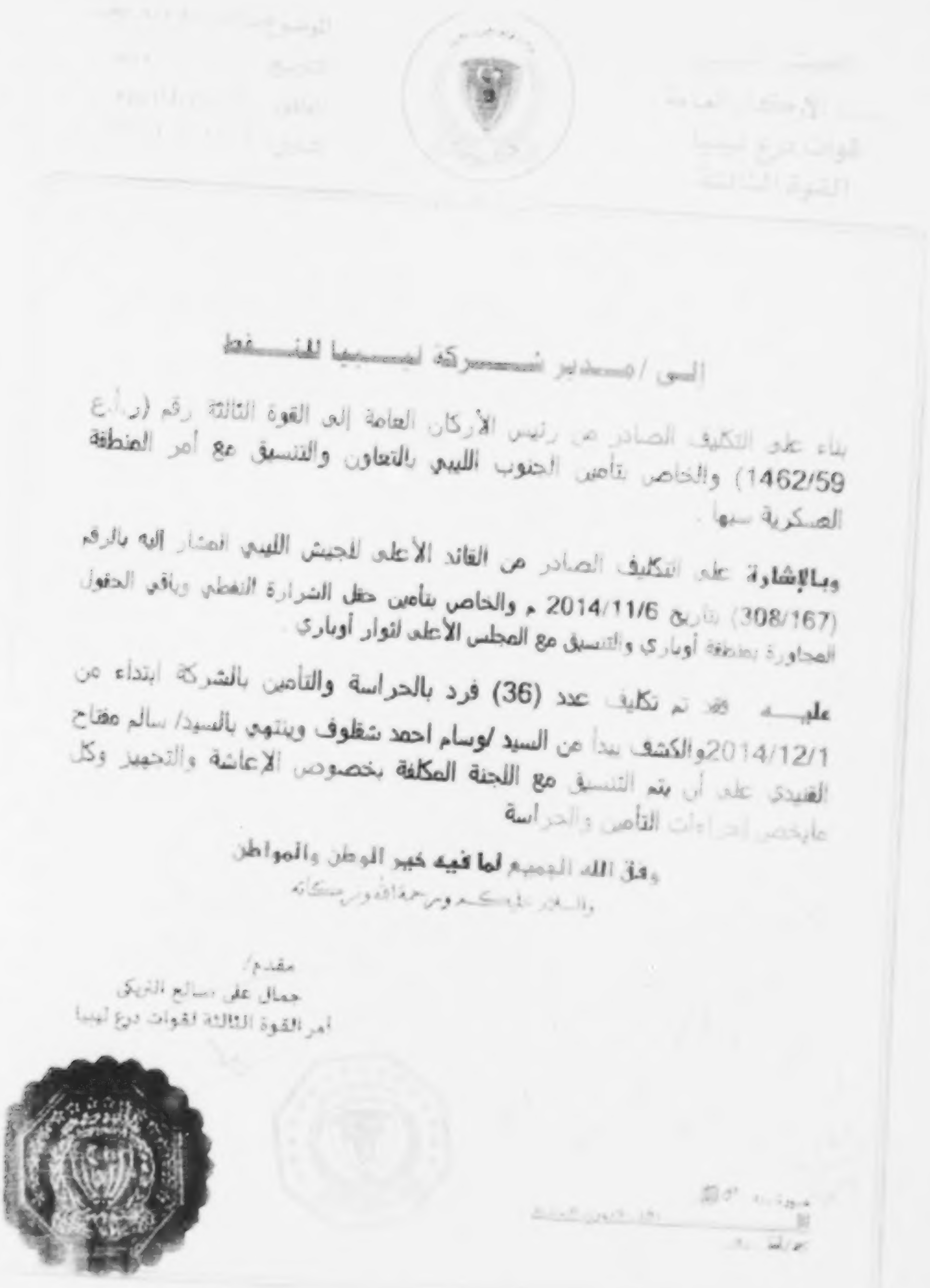
Picture showing Shagloof in a Desert brigade vehicle



Wesam Shagloof changed his profile picture.

Source: Social media

Request by the Third force to LAIP subsidiary (Oilibya) to provide armed group members, including Shagloof, with keys, subsistence and salaries for securing their offices.



الأركان العامة
قوات درع ليبيا
القوة الثالثة

إلى / مدير شركة ليبيا للنفط

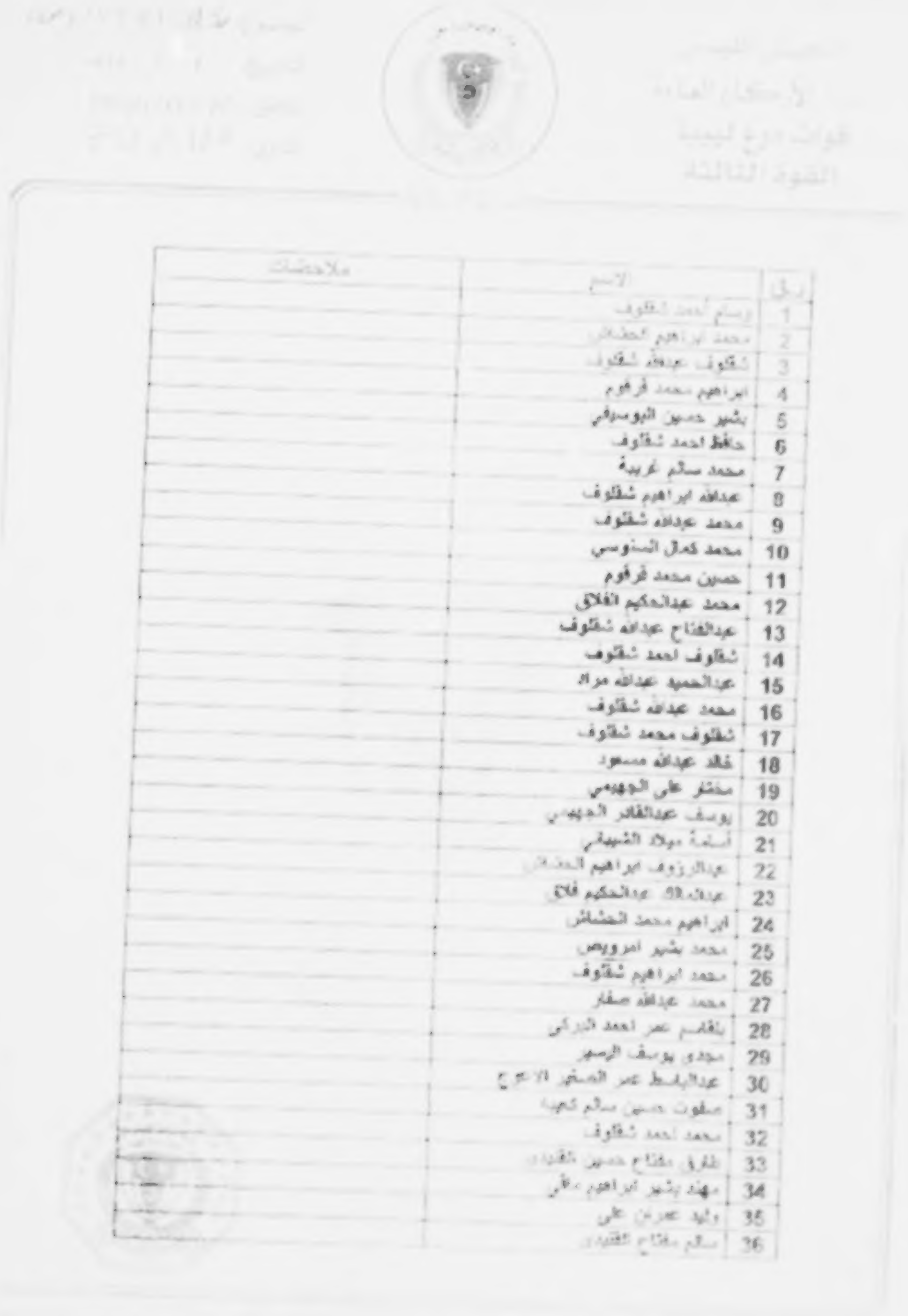
بناء على التكليف الصادر من رئيس الأركان العامة إلى القوة الثالثة رقم (ر.أ.ع 1462/59) والخاص بتأمين الجنوب الليبي بالتعاون والتنسيق مع آمر المنطقة العسكرية سبها .

وبالإشارة على التكليف الصادر من القائد الأعلى للجيش الليبي المشار اليه بالرقم (308/167) بتاريخ 2014/11/6 م والخاص بتأمين حقل الشرارة النفطي وباقي الحقول المجاورة بمنطقة أوباري والتنسيق مع المجلس الأعلى لثوار أوباري .

عليـــه فقد تم تكليف عدد (36) فرد بالحراسة والتأمين بالشركة ابتداء من 2014/12/1والكشف يبدأ من السيد /وسام احمد شقلوف وينتهي بالسيد/ سالم مفتاح القنيدي على أن يتم التنسيق مع اللجنة المكلفة بخصوص الإعاشة والتجهيز وكل مايخص إجراءات التأمين والحراسة

وفق الله الجميع لما فيه خير الوطن والمواطن
والسلام عليكم ورحمة الله وبركاته

مقدم/
جمال علي صالح التريكي
آمر القوة الثالثة لقوات درع ليبيا



الجيش الليبي
الأركان العامة
قوات درع ليبيا
القوة الثالثة

رقم	الاسم	ملاحظات
1	وسام احمد شقلوف	
2	محمد ابراهيم الخشاش	
3	شقلوف عبدالله شقلوف	
4	ابراهيم محمد قرقوم	
5	بشير حسين البوسيفي	
6	حافظ احمد شقلوف	
7	محمد سالم غريبة	
8	عبدالله ابراهيم شقلوف	
9	محمد عبدالله شقلوف	
10	محمد كمال السنوسي	
11	حسين محمد قرقوم	
12	محمد عبدالحكيم الفلاق	
13	عبدالفتاح عبدالله شقلوف	
14	شقلوف احمد شقلوف	
15	عبدالحميد عبدالله مراد	
16	محمد عبدالله شقلوف	
17	شقلوف محمد شقلوف	
18	خالد عبدالله مسعود	
19	مختار علي الجهيمي	
20	يوسف عبدالقادر الجهيمي	
21	أسامة ميلاد الشيباني	
22	عبدالرؤوف ابراهيم الخشاش	
23	عبدالله عبدالحكيم فلاق	
24	ابراهيم محمد الخشاش	
25	محمد بشير امرويص	
26	محمد ابراهيم شقلوف	
27	محمد عبدالله صفار	
28	بلقاسم عمر احمد البركي	
29	مجدي يوسف الرصهر	
30	عبدالباسط عمر الصغير الاعوج	
31	صفوت حسين سالم كحيلة	
32	محمد احمد شقلوف	
33	طارق مفتاح حسين القنيدي	
34	مهند بشير ابراهيم علي	
35	وليد عمران علي	
36	سالم مفتاح القنيدي	

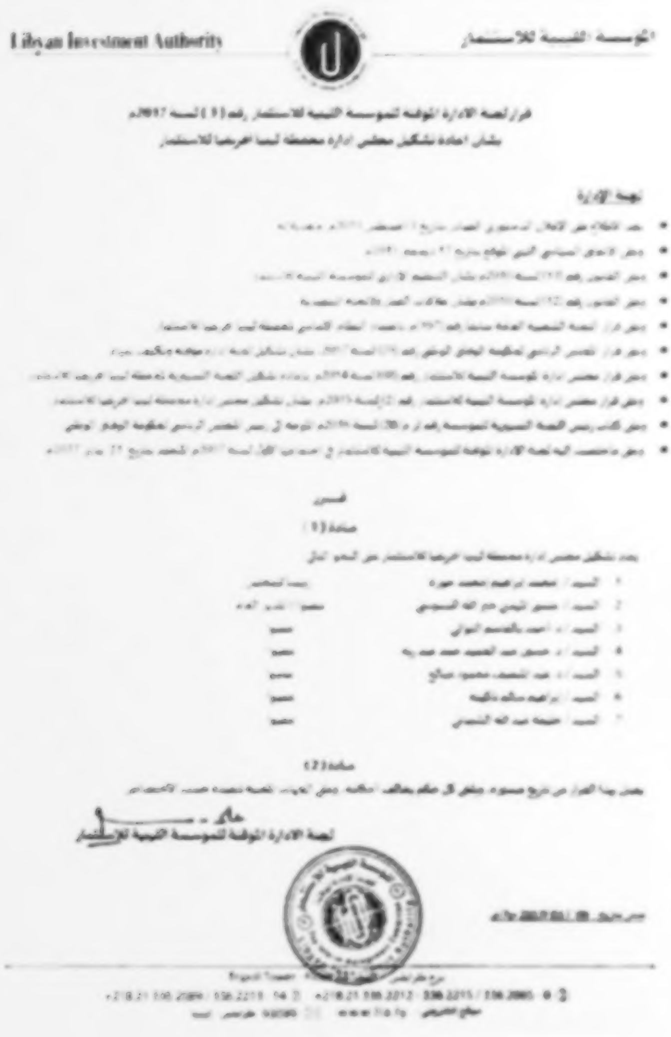
Source: confidential

2. In 2016, it was reported that Ayad tried to appoint Libyan political dialogue member Muhammad Ibrahim al-Darrat as CEO of LAIP. He relied on support by armed group leader Abd al-Gadir Rweyati aka 'Asfoor' from the Bab al Aziziya/Hay Andalus area, who would later 'host' the Steering Committee of the LIA under Ali Mahmoud.

3. In 2017, Ayad appointed himself as CEO of LAIP. Several sources reported that Ayad, who is originally from the Suq al-Juma area, is well-connected to the SDF, the armed group to date in control of Tripoli tower. He reportedly employed several SDF members at the LAIP.

4. Around the same time, the PC-appointed Steering Committee of the LIA appointed a new board for the LAIP, which allegedly included individuals affiliated to Rweyati and the Nawasi armed group. That decision was later revoked and Rweyati withdrew from the area.

Appointment of associate Rweyati on LIA board and cancellation thereof



Libyan Investment Authority

المؤسسة الليبية للاستثمار

قرار لجنة الإدارة المؤقتة للمؤسسة الليبية للاستثمار رقم (1) لسنة 2017م

بشأن إعادة تشكيل مجلس إدارة محفظة ليبيا أفريقيا للاستثمار

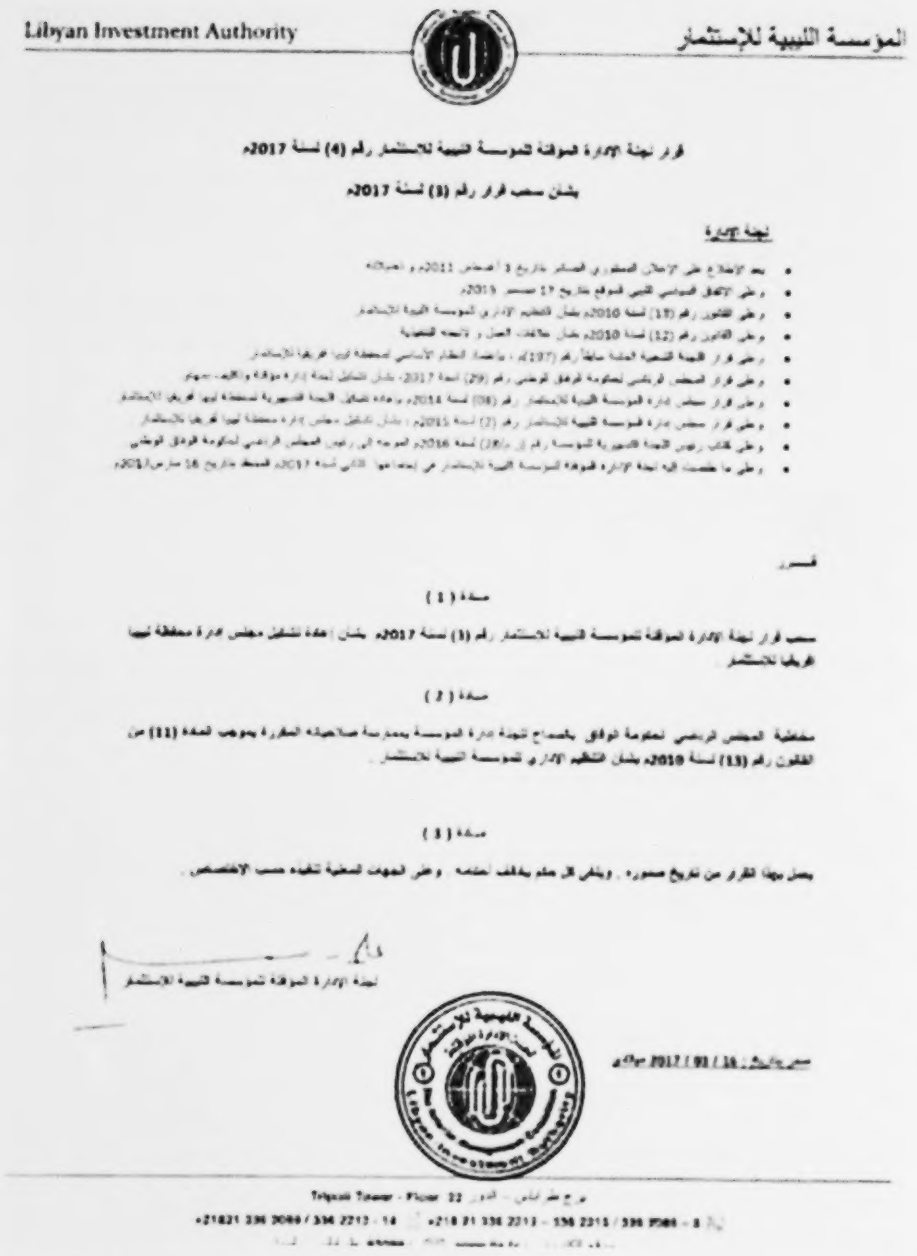
لجنة الإدارة

قررت

مادة (1)

مادة (2)

لجنة الإدارة المؤقتة للمؤسسة الليبية للاستثمار



Libyan Investment Authority

المؤسسة الليبية للاستثمار

قرار لجنة الإدارة المؤقتة للمؤسسة الليبية للاستثمار رقم (4) لسنة 2017م

بشأن سحب قرار رقم (3) لسنة 2017م

لجنة الإدارة

فـــرر

مادة (1)

سحب قرار لجنة الإدارة المؤقتة للمؤسسة الليبية للاستثمار رقم (1) لسنة 2017م بشأن إعادة تشكيل مجلس ادارة محفظة ليبيا افريقيا للاستثمار.

مادة (2)

مخاطبة المجلس الرئاسي لحكومة الوفاق بالسماح للجنة ادارة المؤسسة بممارسة صلاحياته المقررة بموجب المادة (11) من القانون رقم (13) لسنة 2010م بشأن التنظيم الإداري للمؤسسة الليبية للاستثمار .

مادة (3)

يعمل بهذا القرار من تاريخ صدوره ، ويلغى كل حكم يخالف أحكامه ، وعلى الجهات المعنية تنفيذه حسب الاختصاص .

لجنة الإدارة المؤقتة للمؤسسة الليبية للاستثمار

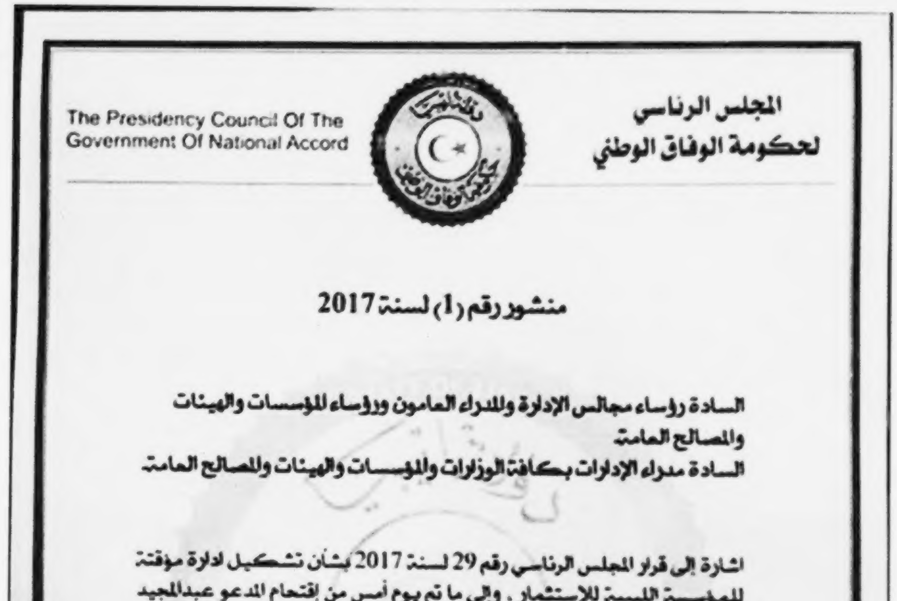
صدر بتاريخ : 16 / 03 / 2017م

برج طرابلس - الدور 22 Tripoli Tower - Floor 22

Source: Confidential

5. The Panel also received an allegation that Kashadah has been trying to increase his control over a LAIP subsidiary through another armed group.

Annex 62 PC letter to high-ranking civil servants on the management of the LIA



The Presidency Council Of The
Government Of National Accord

المجلس الرئاسي
لحكومة الوفاق الوطني

منشور رقم (1) لسنة 2017

السادة رؤساء مجالس الإدارة والمدراء العامون ورؤساء المؤسسات والهيئات والمصالح العامة
السادة مدراء الإدارات بكافة الوزارات والمؤسسات والهيئات والمصالح العامة

اشارة إلى قرار المجلس الرئاسي رقم 29 لسنة 2017 بشأن تشكيل لادارة مؤقتة للمؤسسة الليبية للاستثمار ، والى ما تم يوم أمس من إقتحام المدعو عبدالمجيد بريش ومجموعة مسلحة لمقر المؤسسة ببرج طرابلس، وانتحاله لصفة مدير المؤسسة ومحاولة الاستيلاء على مكاتبها، وما تبع ذلك من إجراءات قضائية وضبطية.

عليه، وحفاظا على المال العام والمسؤولية القانونية الملقاة على عاتقنا، يمنع التعامل مع أي شخص أو جهة لاتحمل صفة قانونية وشرعية تنفيذا القرارات المجلس الرئاسي لحكومة الوفاق الوطني الصادرة بالخصوص.

إن المجلس الرئاسي يحذر من جديد كل من يحاول العبث بمؤسسات الدولة أيا كانت، واستخدام قوة السلاح وزعزعة أمن وسلامة المواطنين، وأنه سيتخذ كافة الإجراءات القانونية لردع من تسول له نفسه لترويع المواطنين ومحاولة الهيمنة على مقدراتهم وخيراتهم

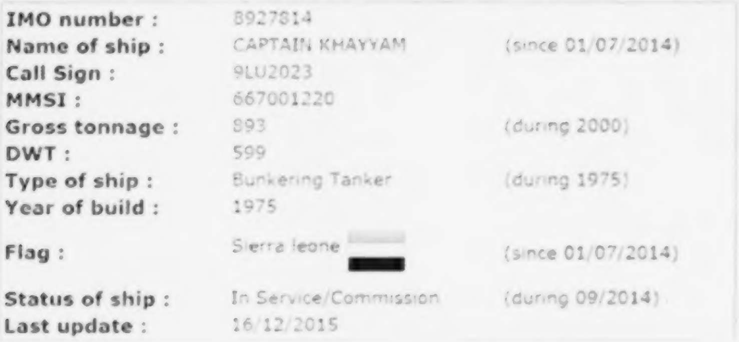
المجلس الرئاسي لحكومة الوفاق الوطني
طرابلس 2017/02/06

Source: LIA

Annex 63 Impounded vessels

A. Captain Khayyam

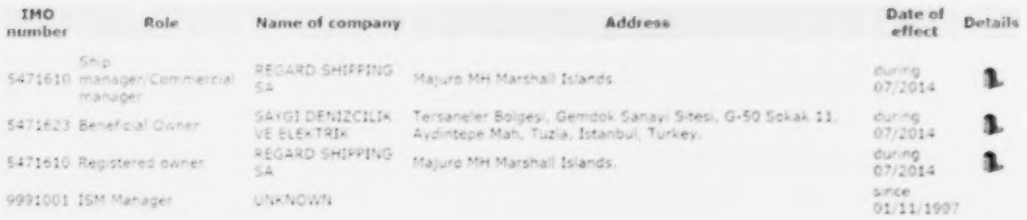
1. The vessel was impounded on 13 February 2016 by the Libyan coast guard and taken to Tripoli. One million litres of fuel were loaded on board. Details of the vessel are:



IMO number :	8927814	
Name of ship :	CAPTAIN KHAYYAM	(since 01/07/2014)
Call Sign :	9LU2023	
MMSI :	667001220	
Gross tonnage :	893	(during 2000)
DWT :	599	
Type of ship :	Bunkering Tanker	(during 1975)
Year of build :	1975	
Flag :	Sierra leone	(since 01/07/2014)
Status of ship :	In Service/Commission	(during 09/2014)
Last update :	16/12/2015	

Source: Equasis

Details regarding the ownership of the ship:



IMO number	Role	Name of company	Address	Date of effect	Details
5471610	Ship manager/Commercial manager	REGARD SHIPPING SA	Majuro MH Marshall Islands.	during 07/2014	
5471623	Beneficial Owner	SAYGI DENIZCILIK VE ELEKTRIK	Tersaneler Bolgesi, Gemdok Sanayi Sitesi, G-50 Sokak 11. Aydintepe Mah, Tuzla, Istanbul, Turkey.	during 07/2014	
5471610	Registered owner	REGARD SHIPPING SA	Majuro MH Marshall Islands.	during 07/2014	
9991001	ISM Manager	UNKNOWN		since 01/11/1997	

Source: Equasis

2. The owner, Saygi Denizcilik Ve Elektrik, constructs and mounts electric and electronic equipment on board vessels. The company admitted that the vessel had been transporting marine gasoil but the company stated that it was backed by a bill of lading and a cargo manifest issued by a legitimate company (although none of those documents were shared with the Panel). The following is an excerpt of the e-mail received from the owner:

> *"It is correct that our vessel was in that area Libya territorial waters and as you know, our vessel all time cooperated by giving you all the information necessary, even helping you giving assistance in rescuing people from sea. All our cargo that we transport (Marine Gasoil 0.1 mx sulphur) is backed by a bill of lading and manifest that is from a legitimate company."*

3. The company condemned the action taken by the Libyan coast guard because the vessel had been in international waters at the time of the impounding. It also condemned the way the impounding had taken place because, according to the company, it had been violent and had prevented the crew from reporting to the owners.

4. The crew was made up of citizens from Ukraine (5), Azerbaijan (3) and Turkey (1).

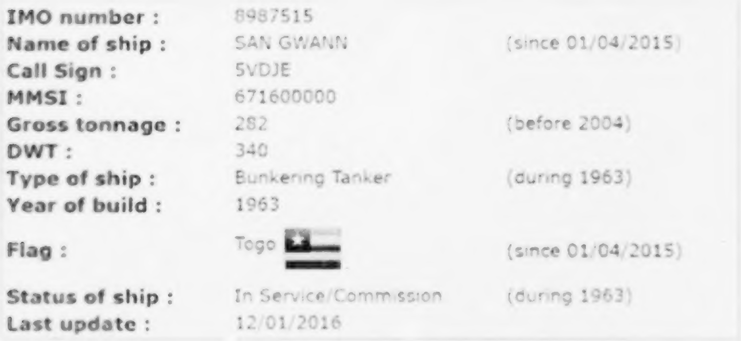
5. According to the NOC, an analysis of the fuel showed that it had been refined outside of Libya (imported fuel).

6. According to AIS data, the vessel approached Zwara on the following dates since December 2015: 13 December 2015, 1 January, 12 January and 12 February 2016. In addition, the Panel has seen a document found on board which stated the following loadings:

DATE	AMOUNT
31/10/2015	1.631.499 l.
12/02/2016	1.661.499 l.

B. San Gwann

7. The vessel was impounded on 10 May 2016 by the Libyan coast guard at 4.3 nautical miles from Abu Kamash. It was seized with 85,000 litres of fuel. The vessel was taken to Tripoli. Details of the vessel are:



IMO number :	8987515	
Name of ship :	SAN GWANN	(since 01/04/2015)
Call Sign :	5VDJE	
MMSI :	671600000	
Gross tonnage :	282	(before 2004)
DWT :	340	
Type of ship :	Bunkering Tanker	(during 1963)
Year of build :	1963	
Flag :	Togo	(since 01/04/2015)
Status of ship :	In Service/Commission	(during 1963)
Last update :	12/01/2016	

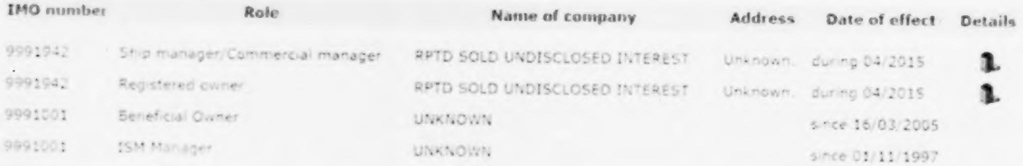
Source: Equasis

8. The vessel turned off its AIS tracking on 5 May 2016. Since the beginning of 2015, one approach to Zwara was detected on 30 March 2016, heading to Malta where it appeared again on 1 May 2016.

SAN GWANN (8987515)
30 Mar 2016 15:58:28 UTC
Draught: 3.8 Speed: 5.9

Source: IHS Seaweb

9. The owners remain unknown, according to databases. The crew was made up of citizens from Syria (1) and Egypt (2).

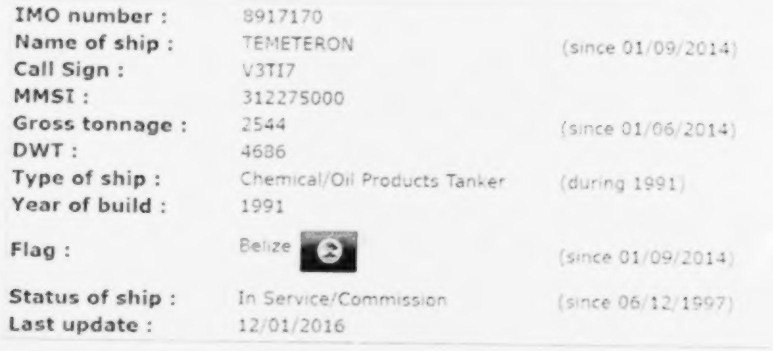


IMO number	Role	Name of company	Address	Date of effect	Details
9991942	Ship manager/Commercial manager	RPTD SOLD UNDISCLOSED INTEREST	Unknown.	during 04/2015	ℹ
9991942	Registered owner	RPTD SOLD UNDISCLOSED INTEREST	Unknown.	during 04/2015	ℹ
9991001	Beneficial Owner	UNKNOWN		since 16/03/2005	
9991001	ISM Manager	UNKNOWN		since 01/11/1997	

Source: Equasis

C. Temeteron

10. The vessel was impounded on 28 June 2016 by the Libyan coast guard in the vicinity of Zwara. It was taken to Tripoli where it was moored on 29 June 2016. Nine persons were found on board: Three Russians, five Ukrainians and one Greek. It was transporting 5,227 Mts of fuel. The details of the vessel are as follows:

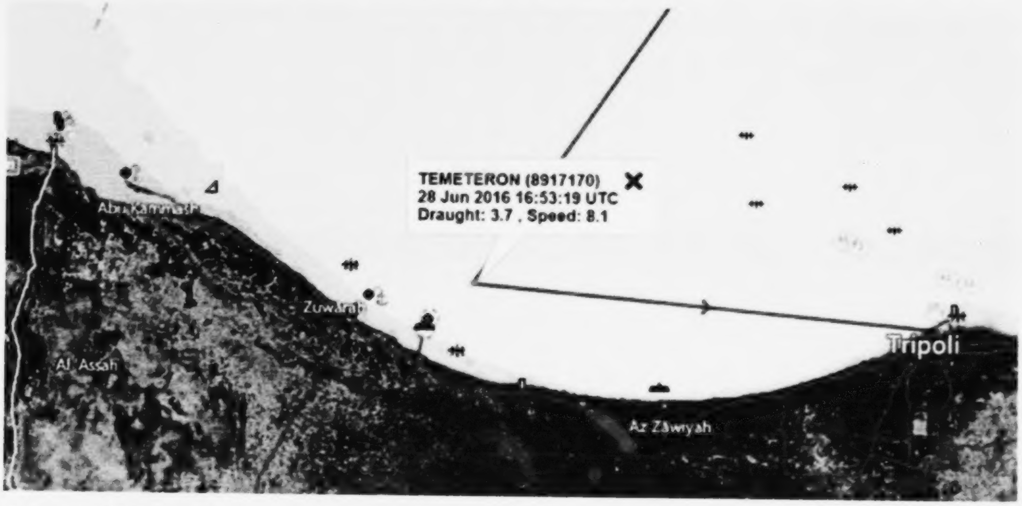


IMO number :	8917170	
Name of ship :	TEMETERON	(since 01/09/2014)
Call Sign :	V3TI7	
MMSI :	312275000	
Gross tonnage :	2544	(since 01/06/2014)
DWT :	4686	
Type of ship :	Chemical/Oil Products Tanker	(during 1991)
Year of build :	1991	
Flag :	Belize	(since 01/09/2014)
Status of ship :	In Service/Commission	(since 06/12/1997)
Last update :	12/01/2016	

Source: Equasis

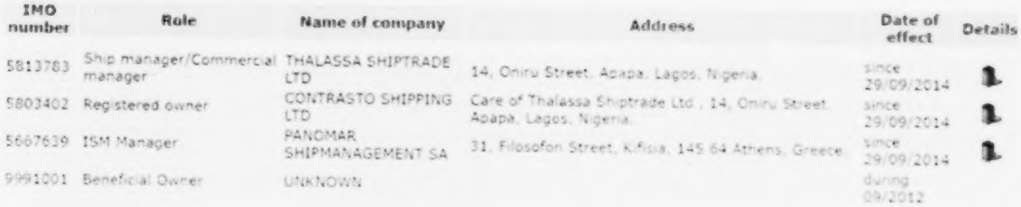
11. The vessel had been sailing near Malta since February 2016, showing suspicious behaviour due to its erratic AIS signal.

Movement of the Temeteron before and after the impounding



Source: IHS Seaweb

12. The ultimate beneficiary of the loading is hidden behind several other companies with contractual links. The official owners are:



IMO number	Role	Name of company	Address	Date of effect	Details
5813783	Ship manager/Commercial manager	THALASSA SHIPTRADE LTD	14, Oniru Street, Apapa, Lagos, Nigeria.	since 29/09/2014	
5803402	Registered owner	CONTRASTO SHIPPING LTD	Care of Thalassa Shiptrade Ltd , 14, Oniru Street, Apapa, Lagos, Nigeria.	since 29/09/2014	
5667639	ISM Manager	PANOMAR SHIPMANAGEMENT SA	31, Filosofon Street, Kifisia, 145 64 Athens, Greece	since 29/09/2014	
9991001	Beneficial Owner	UNKNOWN		during 09/2012	

Source: equasis

13. According to the information provided by Panomar Ship Management, the Nigerian company, Thalassa Ship Trade Ltd., had subcontracted the vessel to a charterer. Panomar never disclosed the name of the charterer.

14. However, a Greek inspection[35] prior to the vessel being impounded in Libya, showed that the beneficial owner of the vessel was the company Petro Plus Limited, registered in Malta. This company was already mentioned in a previous report by the Panel (see S/2016/209, paragraphs 6-13 of Annex 44).

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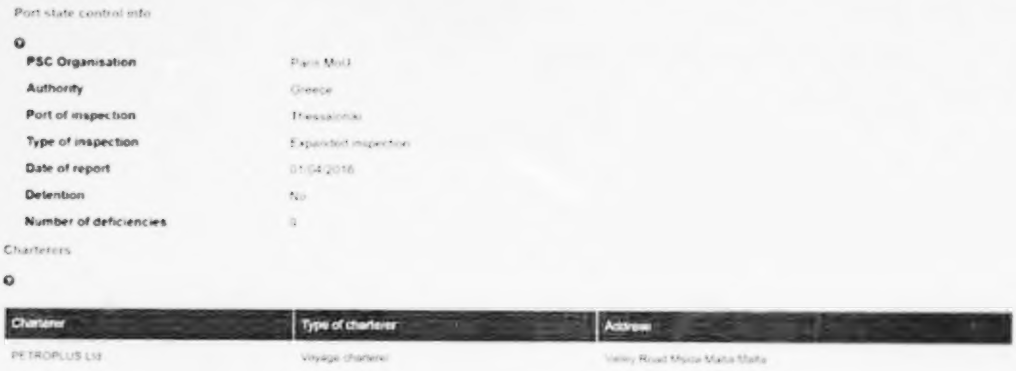
[35] It took place in Thessaloniki (Greece) on 1 April 2016.



Port state control info

PSC Organisation	Paris MoU
Authority	Greece
Port of inspection	Thessaloniki
Type of inspection	Expanded inspection
Date of report	01/04/2016
Detention	No
Number of deficiencies	0

Charterers

Charterer	Type of charterer	Address
PETROPLUS Ltd	Voyage charterer	Valley Road Msida Malta Malta

Source: Equasis

15. Petro Plus Limited has been involved on several occasions in fuel smuggling with the following vessels:

MV RUTA	2014
MECHANIK CHEBOTAREV	2015
TEMETERON	2016

16. The `Ruta' was investigated by the Panel in 2014 due to its involvement in fuel smuggling from Zwara.[36] Its links to another impounded vessel in 2015, the 'Mechanik Chebotarev' (IMO 8858697) and to the 'Inzhener Valchuk' (IMO 8711825), also involved in fuel smuggling, were highlighted in the Panel's 2016 report S/2016/209, in Annex 44.

17. The crew of the vessel was released on 2 March 2017,[37] while al-Serraj was visiting the Russian Federation.

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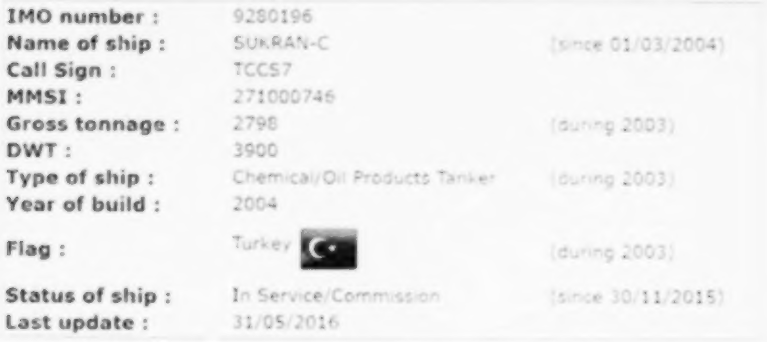
[36] The Libyan focal point reported to the Panel on 6 August 2014 that an oil tanker, the Ruta, (IMO 8711899), sailing under a Ukrainian flag, had been apprehended near Malta for smuggling crude oil from Libya. The vessel had not been carrying crude oil but fuel. Maltese authorities denied that the vessel had been apprehended by them.

[37] "Russian and Ukrainian sailors accused of smuggling released in Tripoli", Libya Herald, 3 March 2017, https://www.libyaherald.com/2017/03/03/russian-and-ukrainian-sailors-accused-of-smuggling-released-in-tripoli.

Annex 64 Vessels of interest

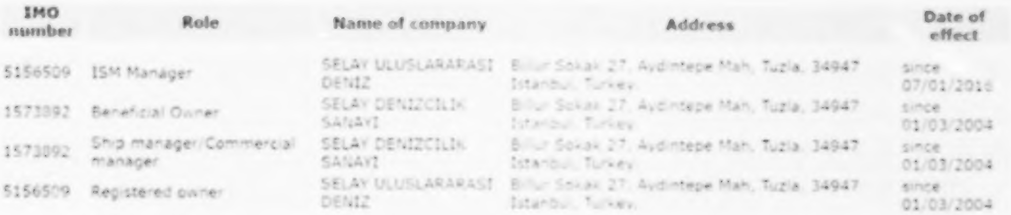
A. Sukran C

1. Selay Group[38] owns the 'Sukran-C' (IMO 9280196):



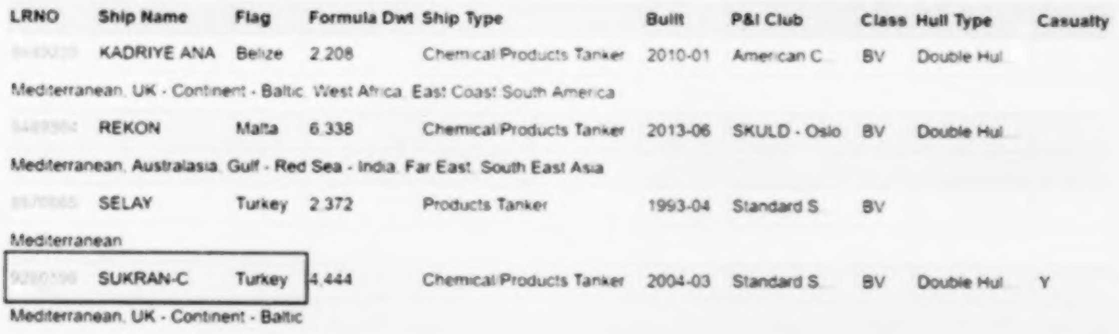
IMO number :	9280196	
Name of ship :	SUKRAN-C	(since 01/03/2004)
Call Sign :	TCCS7	
MMSI :	271000746	
Gross tonnage :	2798	(during 2003)
DWT :	3900	
Type of ship :	Chemical/Oil Products Tanker	(during 2003)
Year of build :	2004	
Flag :	Turkey	(during 2003)
Status of ship :	In Service/Commission	(since 30/11/2015)
Last update :	31/05/2016	

Source: Equasis



IMO number	Role	Name of company	Address	Date of effect
5156509	ISM Manager	SELAY ULUSLARARASI DENIZ	Billur Sokak 27, Aydintepe Mah, Tuzla, 34947 Istanbul, Turkey.	since 07/01/2016
1573892	Beneficial Owner	SELAY DENIZCILIK SANAYI	Billur Sokak 27, Aydintepe Mah, Tuzla, 34947 Istanbul, Turkey.	since 01/03/2004
1573892	Ship manager/Commercial manager	SELAY DENIZCILIK SANAYI	Billur Sokak 27, Aydintepe Mah, Tuzla, 34947 Istanbul, Turkey.	since 01/03/2004
5156509	Registered owner	SELAY ULUSLARARASI DENIZ	Billur Sokak 27, Aydintepe Mah, Tuzla, 34947 Istanbul, Turkey.	since 01/03/2004

Source: Equasis



LRNO	Ship Name	Flag	Formula Dwt	Ship Type	Built	P&I Club	Class	Hull Type	Casualty
[illegible]	KADRIYE ANA	Belize	2.208	Chemical/Products Tanker	2010-01	American C...	BV	Double Hul...	
Mediterranean, UK - Continent - Baltic, West Africa, East Coast South America									
[illegible]	REKON	Malta	6.338	Chemical/Products Tanker	2013-06	SKULD - Oslo	BV	Double Hul...	
Mediterranean, Australasia, Gulf - Red Sea - India, Far East, South East Asia									
[illegible]	SELAY	Turkey	2.372	Products Tanker	1993-04	Standard S...	BV		
Mediterranean									
9280196	SUKRAN-C	Turkey	4.444	Chemical/Products Tanker	2004-03	Standard S...	BV	Double Hul...	Y
Mediterranean, UK - Continent - Baltic									

Source: IHS Seaweb

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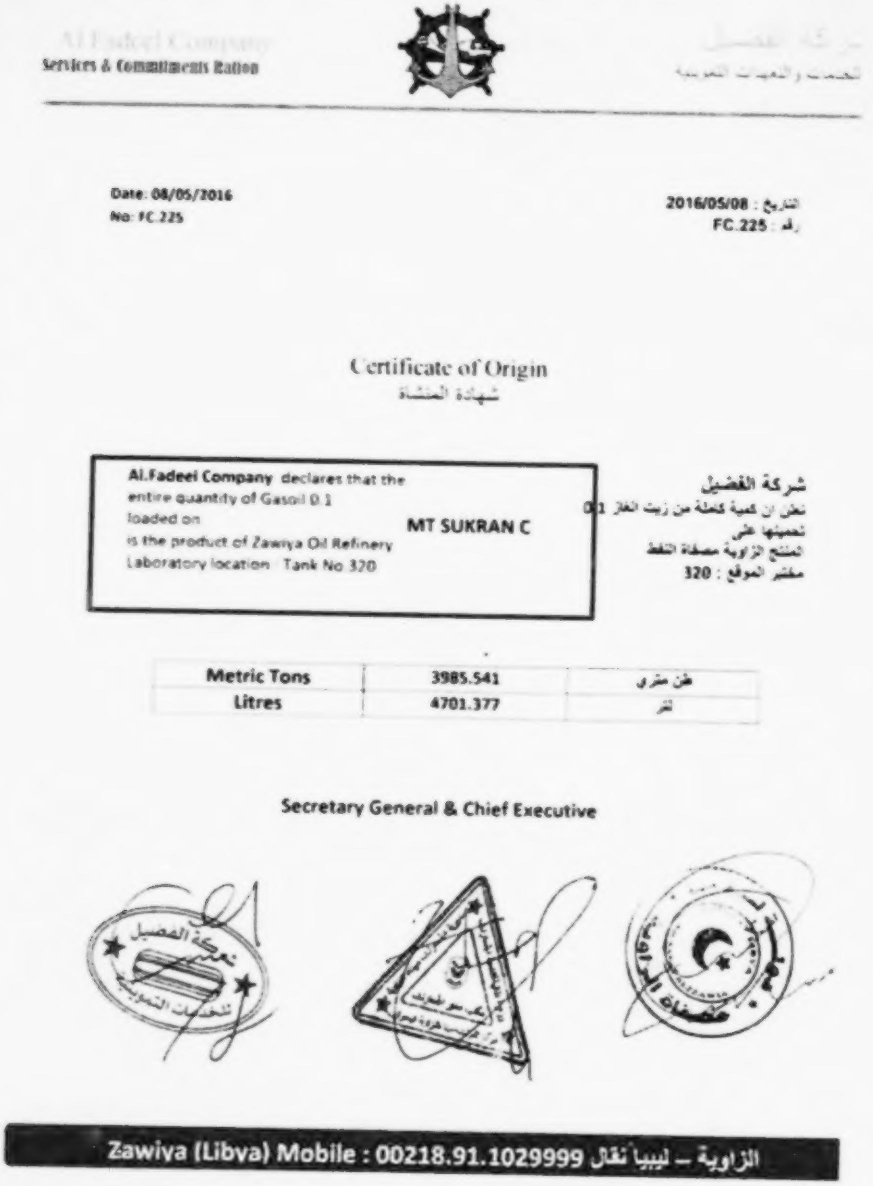
[38] see http://www.selaydenizcilik.com.

2. The 'Sukran-C' remained in an undisclosed location during the period between 24 April and 10 May 2016. Between those dates, the vessel approached Zwara to load fuel. The loading took place on 8 May 2016, as indicated in the following document:



Al Fadeel Company
Services & Commitments Ration

شركة الفضيل
للخدمات والتعهدات التموينية

Date: 08/05/2016
No: FC.225

التاريخ : 2016/05/08
رقم : FC.225

Certificate of Origin
شهادة المنشأة

Al.Fadeel Company declares that the entire quantity of Gasoil 0.1 loaded on **MT SUKRAN C** is the product of Zawiya Oil Refinery
Laboratory location : Tank No 320

شركة الفضيل
تعلن ان كمية كاملة من زيت الغاز 0.1
تحميلها على
المنتج الزاوية مصفاة النفط
مختبر الموقع : 320

Metric Tons	**3985.541**	طن متري
Litres	**4701.377**	لتر

Secretary General & Chief Executive

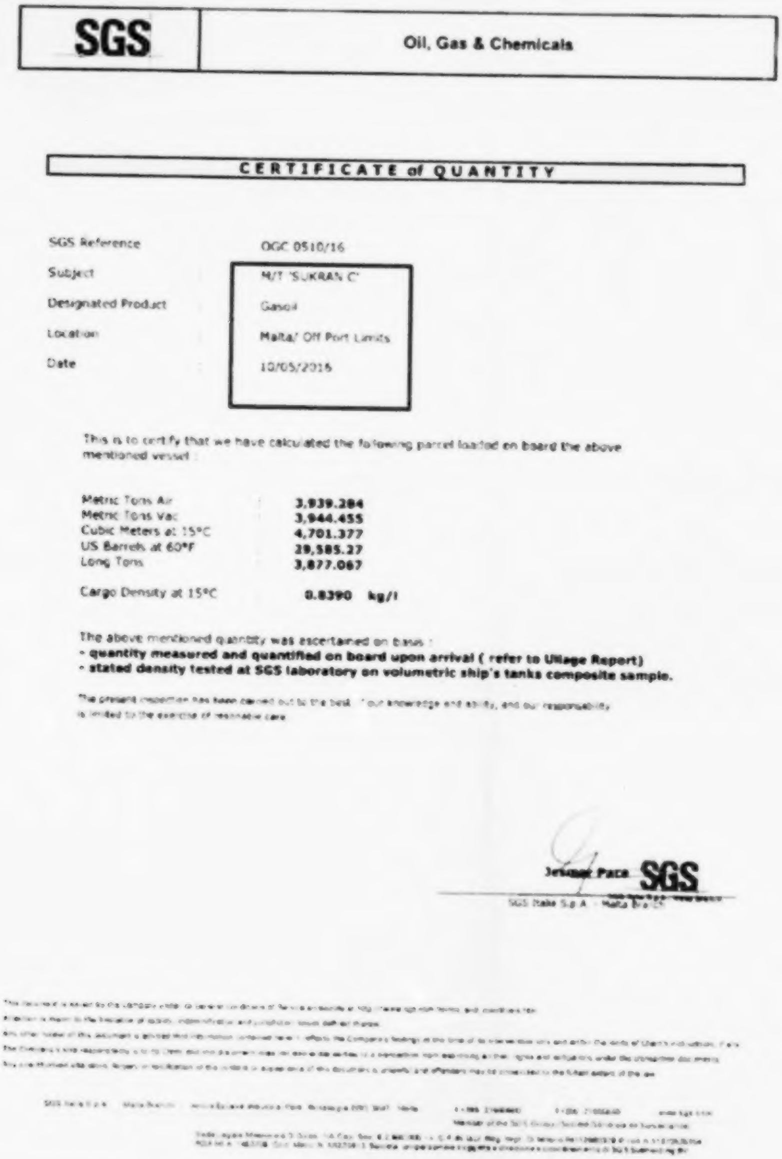
Zawiya (Libya) Mobile : 00218.91.1029999 الزاوية – ليبيا نقال

Source: Confidential

3. The owner of the company Al Fadeel has been mentioned by several sources as the business partner of Rodrick Grech, a Maltese citizen who is related to the company Petro Plus Limited (see S/2016/209, paragraphs 6-13 of Annex 44). Therefore, the charterer of the Sukran C (IMO 9280196)

appears to be Petro Plus. Moreover, Petro Plus is also involved in the impounded vessel Temeteron (IMO 8917170) (see Annex 63).

4. The fuel was analysed on 10 May 2016 in Malta and the results were delivered on 15 May 2016:



SGS | **Oil, Gas & Chemicals**

CERTIFICATE of QUANTITY

SGS Reference	OGC 0510/16
Subject	M/T 'SUKRAN C'
Designated Product	Gasoil
Location	Malta/ Off Port Limits
Date	10/05/2016

This is to certify that we have calculated the following parcel loaded on board the above mentioned vessel :

Metric Tons Air	**3,939.284**
Metric Tons Vac	**3,944.455**
Cubic Meters at 15°C	**4,701.377**
US Barrels at 60°F	**29,585.27**
Long Tons	**3,877.067**

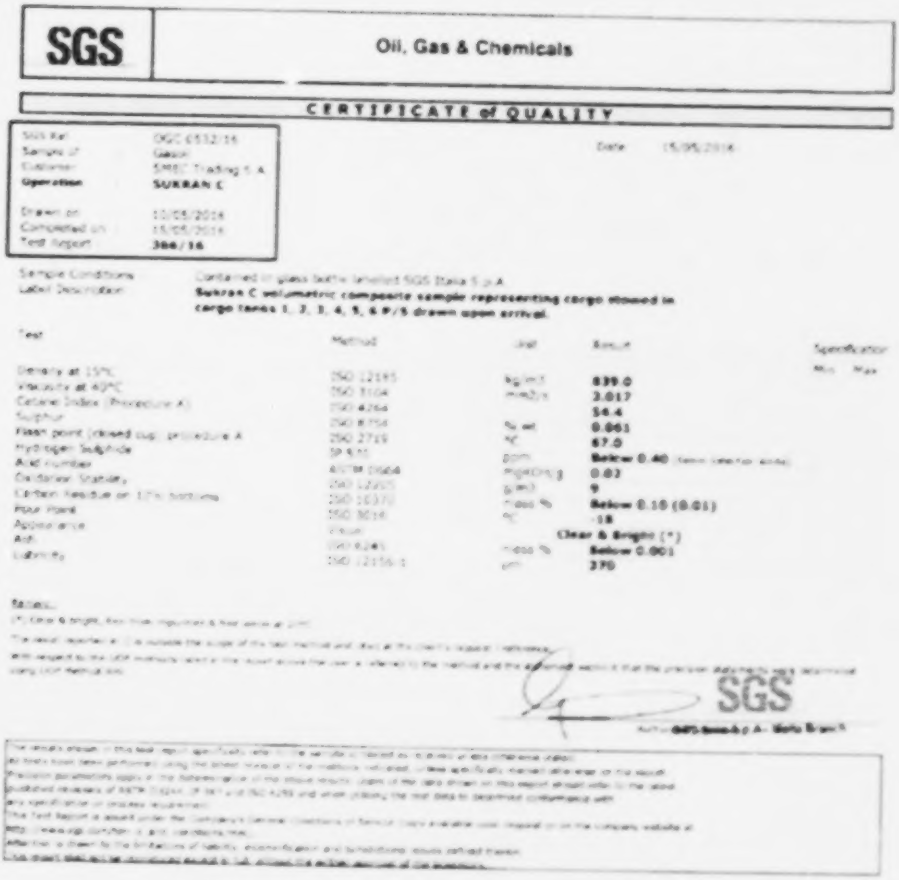
Cargo Density at 15°C **0.8390 kg/l**

The above mentioned quantity was ascertained on basis :
- **quantity measured and quantified on board upon arrival (refer to Ullage Report)**
- **stated density tested at SGS laboratory on volumetric ship's tanks composite sample.**

The present inspection has been carried out to the best of our knowledge and ability, and our responsibility is limited to the exercise of reasonable care.

[illegible] Pace **SGS**
SGS Italia S.p.A. - Malta Branch

Source: Confidential



SGS

Oil, Gas & Chemicals

CERTIFICATE of QUALITY

SGS Ref: OGC 0532/16
Sample of: Gasoil
Customer: SMEC Trading S.A.
Operation: SUKRAN C

Drawn on: 11/05/2016
Completed on: 15/05/2016
Test Report: **386/16**

Date: 15/05/2016

Sample Conditions: Contained in glass bottle labelled SGS Italia S.p.A.
Label Description: **Sukran C volumetric composite sample representing cargo stowed in cargo tanks 1, 2, 3, 4, 5, 6 P/S drawn upon arrival.**

Test	Method	Unit	Result	Specification Min	Specification Max
Density at 15°C	ISO 12185	kg/m3	**839.0**		
Viscosity at 40°C	ISO 3104	mm2/s	**3.017**		
Cetane Index (Procedure A)	ISO 4264		**54.4**		
Sulphur	ISO 8754	% wt	**0.061**		
Flash point (closed cup) procedure A	ISO 2719	°C	**67.0**		
Hydrogen Sulphide	IP 570	ppm	**Below 0.40** [illegible]		
Acid number	ASTM D664	mgKOH/g	**0.02**		
Oxidation Stability	ISO 12205	g/m3	**9**		
Carbon Residue on 10% bottoms	ISO 10370	mass %	**Below 0.10 (0.01)**		
Pour Point	ISO 3016	°C	**-18**		
Appearance	Visual		**Clear & Bright (*)**		
Ash	ISO 6245	mass %	**Below 0.001**		
Lubricity	ISO 12156-1	µm	**370**		

Notes:

(*) Clear & bright, free from impurities & free water at [illegible]

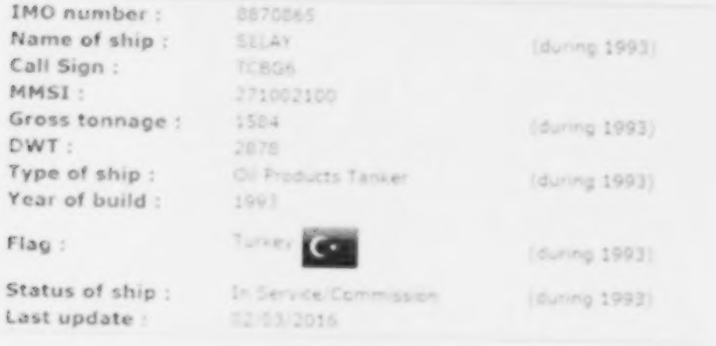
[illegible]

SGS

Source: Confidential

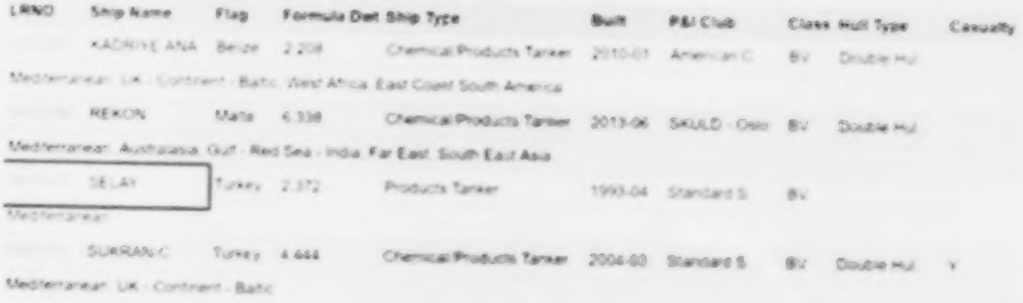
B. Selay

1. Selay Group also owns the 'Selay' (IMO 8870865):



IMO number :	8870865	
Name of ship :	SELAY	(during 1993)
Call Sign :	TCBG6	
MMSI :	271002100	
Gross tonnage :	1584	(during 1993)
DWT :	2878	
Type of ship :	Oil Products Tanker	(during 1993)
Year of build :	1993	
Flag :	Turkey	(during 1993)
Status of ship :	In Service/Commission	(during 1993)
Last update :	02/03/2016	

Source: Equasis



LRNO	Ship Name	Flag	Formula Dwt	Ship Type	Built	P&I Club	Class	Hull Type	Casualty
	KADRIYE ANA	Belize	2,208	Chemical/Products Tanker	2010-01	American C	BV	Double Hul	
Mediterranean, UK - Continent - Baltic, West Africa, East Coast South America									
	REKON	Malta	6,338	Chemical/Products Tanker	2013-06	SKULD - Oslo	BV	Double Hul	
Mediterranean, Australasia, Gulf - Red Sea - India, Far East, South East Asia									
	SELAY	Turkey	2,372	Products Tanker	1993-04	Standard S	BV		
Mediterranean									
	SUKRAN C	Turkey	4,444	Chemical/Products Tanker	2004-03	Standard S	BV	Double Hul	Y
Mediterranean, UK - Continent - Baltic									

Source: IHS Seaweb

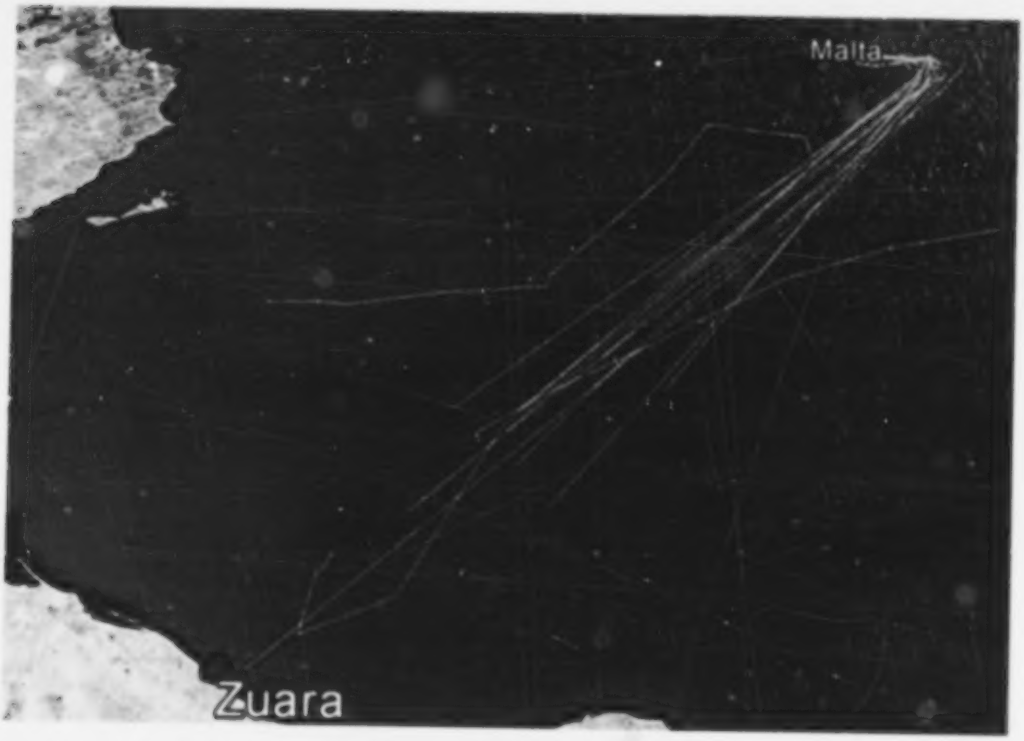
2. The 'Selay' is located on a regular basis alongside vessels mentioned in the Panel's last report (S/2016/209, paragraphs 9,10 and 13 of Annex 44) related to fuel smuggling, such as the 'Ruta':

[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
12/02/2016 9:59	12/02/2016 11:27	35,85111	14,84	Ruta	
12/02/2016 9:59	12/02/2016 12:56	35,85083	14,83944	Selay	59,2623886
19/02/2016 16:29	**20/02/2016 6:39**	**35,85528**	**14,84889**	**Selay**	
19/02/2016 17:59	**19/02/2016 23:01**	**35,85528**	**14,84833**	**Ruta**	**50,4350873**

3. The table above shows that both vessels were alongside (at a distance less than the sum of their lengths) on 12 February and 19 February 2016.

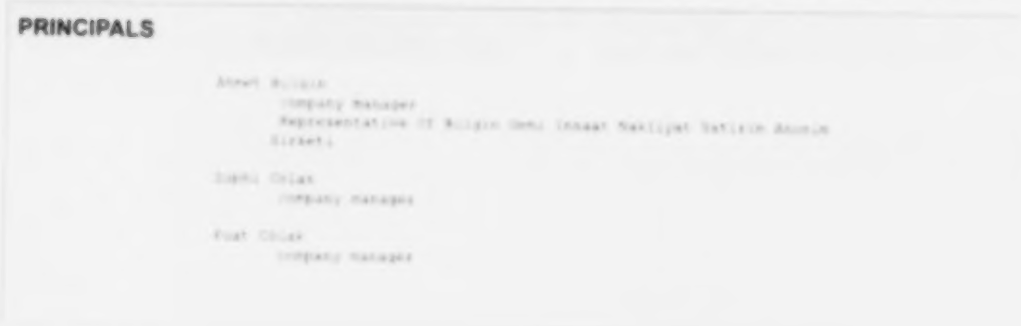
4. The vessel has been travelling between Malta and Zwara at least since 2015. The following image depicts the movements of the vessel from January to September 2015. The red lines show

periods of time when the AIS was shut down. However, the captain of the vessel did not always turn it off:



Source: AIS (Lloyd's)

5. The principals of the Selay Group, owners of the 'Selay' and the 'Sukran-C' are:



PRINCIPALS

Ahmet Bilgin
Company Manager
Representative Of Bilgin Gemi Insaat Nakliyat [illegible] Anonim Sirketi

Suphi Colak
Company manager

Fuat Colak
Company manager

Source: E-Informa

6. The charterer of the Selay is Petro Plus Limited (see paragraph 3 under above section A), also involved in the vessel Ruta (see S/2016/209, paragraphs 9-13 of Annex 44).

7. Petro Plus Ltd (C50905) was registered on 15 October 2010. The shareholders of Petro Plus are Gordon Debono and a company, The Business Centre Ltd (C17918), of which Debono is the sole shareholder.

Company Registration Number	C 50905
Company Name	PETROPLUS LTD
Registration Date	Oct 15, 2010
Registered Office	**THE BUSINESS CENTRE VALLEY ROAD,**
City/Locality	MSIDA MSD 9060
Country	MALTA

Directors(1)

Involved Party	Address	Nationality
GORDON DEBONO 234574M	18, DRIVE 41, TUMAS GALEA STREET, TA' PARIS, BIRKIRKARA MALTA	MALTESE

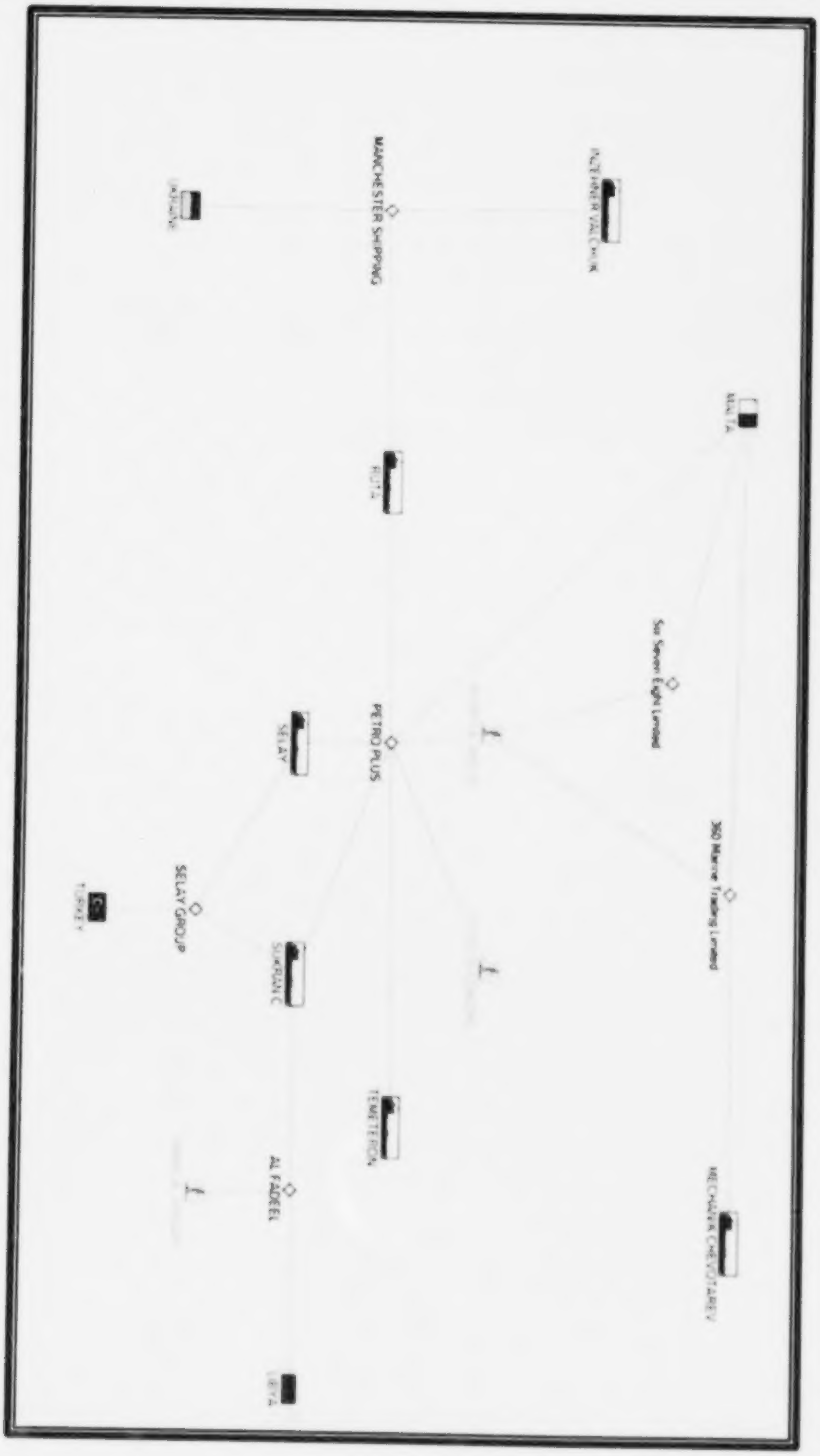
Company Registration Number	C 17918
Company Name	THE BUSINESS CENTRE LTD
Registration Date	Mar 02, 1995
Registered Office	**THE BUSINESS CENTRE, VALLEY ROAD,**
City/Locality	MSIDA MSD 9060
Country	MALTA

Directors(1)

Involved Party	Address	Nationality

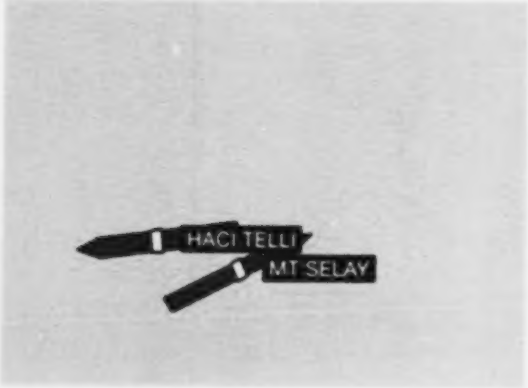
GORDON DEBONO 234574M	18, DRIVE 14, TUMAS GALEA STREET, TA' PARIS, BIRKIRKARA MALTA	MALTESE

8. Taking into account the data gathered during the Panel's last two mandates, the following graphic describes the fuel smuggling network:

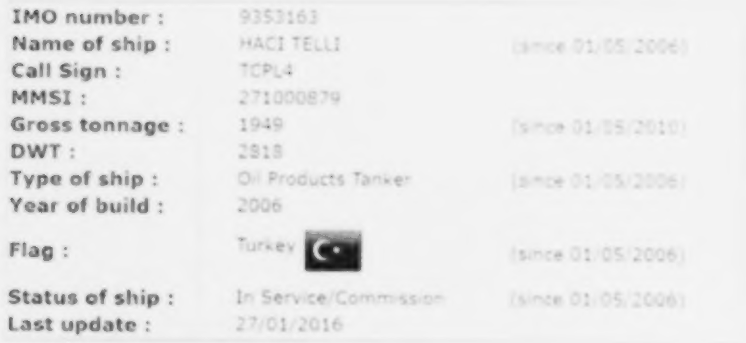

MALTA
360 Marine Trading Limited
MECHANIK CHEVOTAREV
Six Seven Eight Limited
INZEHNER VALCHUK
MANCHESTER SHIPPING
RUTA
PETRO PLUS
TEMETERON
SELAY
SUKRAN C
AL FADEEL
LIBYA
UKRAINE
SELAY GROUP
TURKEY

C. Haci Telli

1. This vessel has also been located while alongside the `Selay' (IMO 8870865), for instance on 28 March 2016 in the vicinity of Malta:



1. Its details are:



IMO number :	9353163	
Name of ship :	HACI TELLI	(since 01/05/2006)
Call Sign :	TCPL4	
MMSI :	271000879	
Gross tonnage :	1949	(since 01/05/2010)
DWT :	2818	
Type of ship :	Oil Products Tanker	(since 01/05/2006)
Year of build :	2006	
Flag :	Turkey	(since 01/05/2006)
Status of ship :	In Service/Commission	(since 01/05/2006)
Last update :	27/01/2016	

Source: Equasis

The vessel is part of the fleet of Transpasifik Denizcilik Turizm ve Ticaret AS[39]. According to their webpage, the registered owner, Pasifik Deniz Nakliyat Ltd Sti, is also part of the Transpasifik Company group.

The vessel was seen in Zwara on 24 February 2017, when it was boarded by armed men, allegedly because the charterers of the vessel owed money to local smugglers.[40] The owner was contacted by the Panel but has not replied.

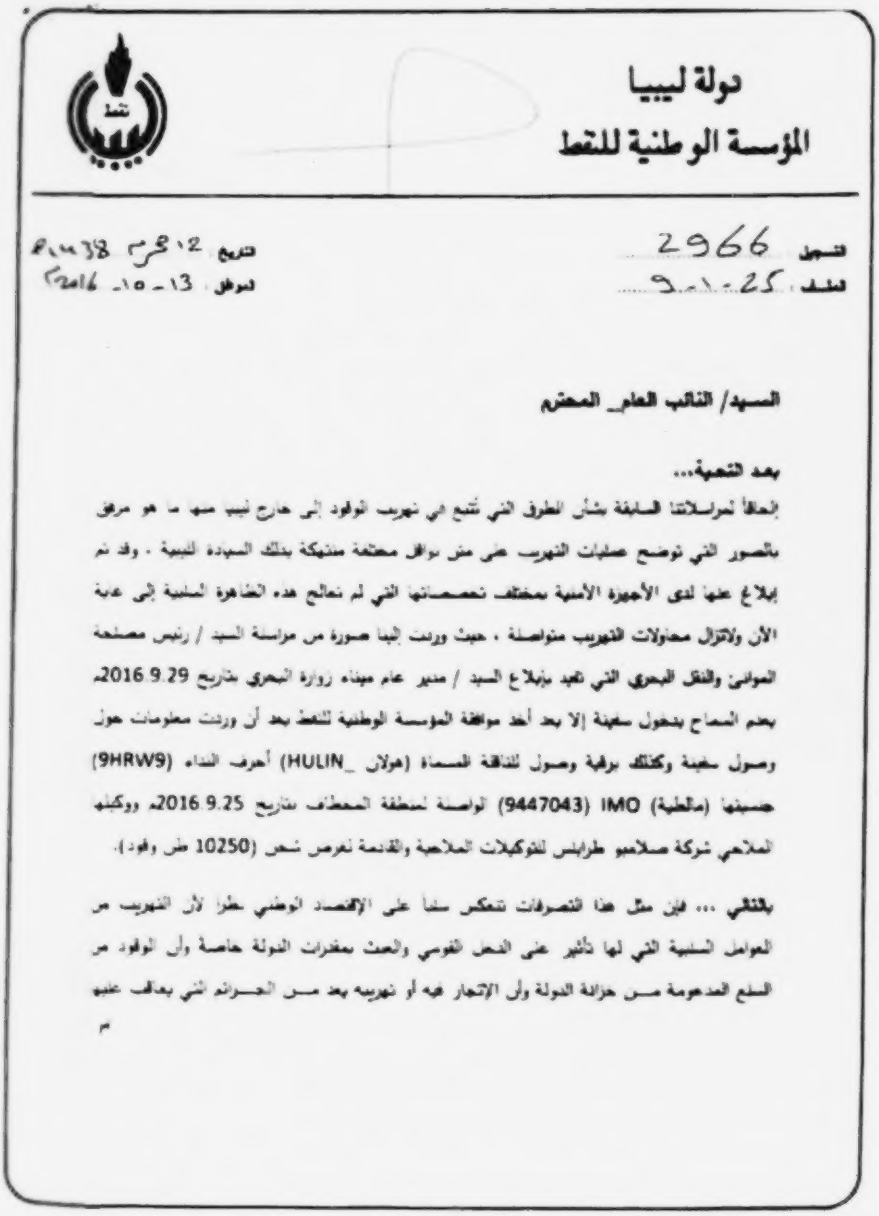
---

[39] http://transpasifik.com/index.html

[40] "Turkish oil tanker seized in western Libya while buying smuggled fuel", Libya Observer, 2 March 2017, https://www.libyaobserver.ly/news/turkish-oil-tanker-seized-western-libya-while-buying-smuggled-fuel.

D. Hulin

1. The vessel was officially accused by the NOC of being involved in smuggling operations from Zwara, as stated in the following letter, addressed to various Libyan authorities, such as the PC or the Attorney General.



دولة ليبيا
المؤسسة الوطنية للنفط

التسجيل 2966
الملف 9-1-25

التاريخ ١٢ محرم 1438هـ
الموافق 13-١٠-2016م

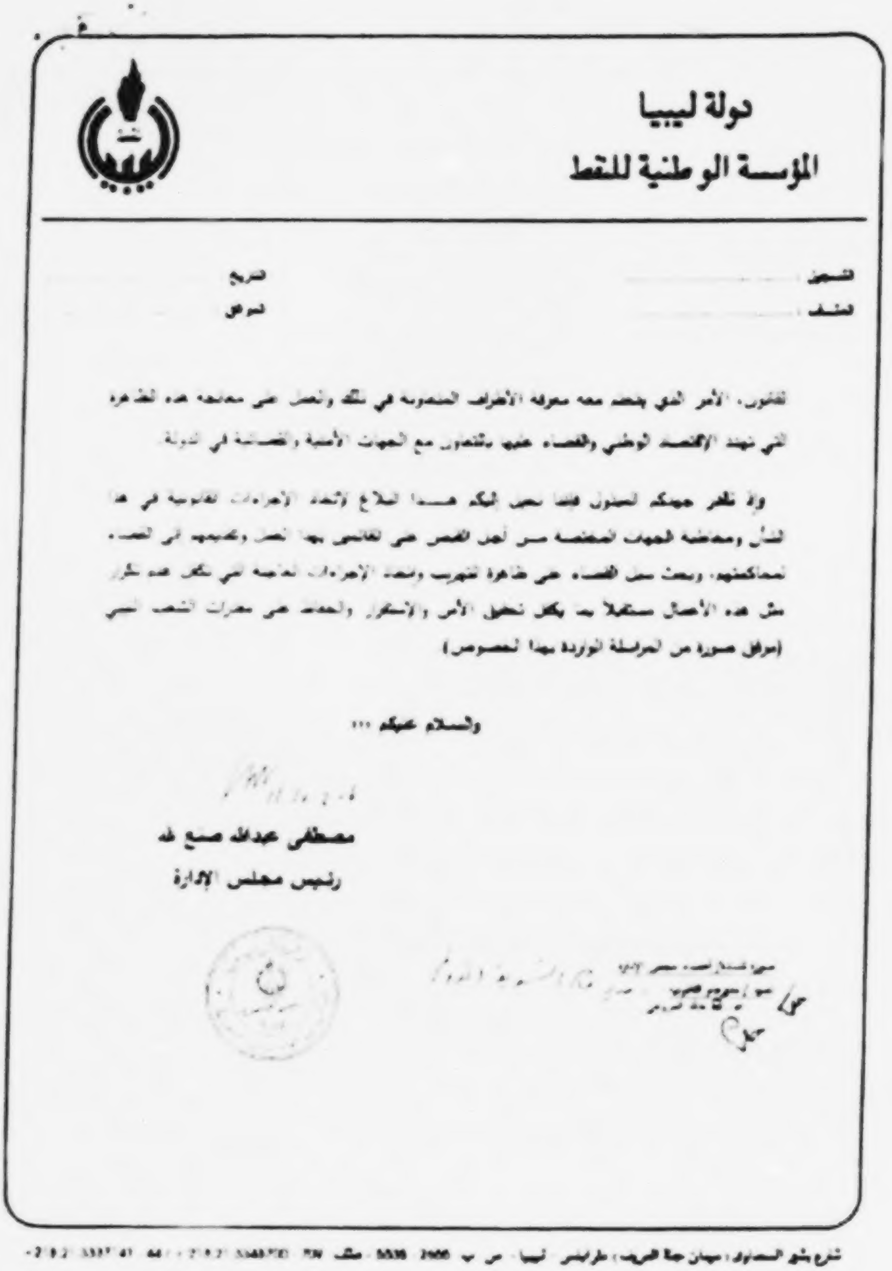
السيد/ النائب العام_ المحترم

بعد التحية...

إلحاقاً لمراسلاتنا السابقة بشأن الطرق التي تتبع في تهريب الوقود إلى خارج ليبيا منها ما هو مرفق بالصور التي توضح عمليات التهريب على متن ناقلات مختلفة منتهكة بذلك السيادة الليبية ، وقد تم إبلاغ عنها لدى الأجهزة الأمنية بمختلف تخصصاتها التي لم تعالج هذه الظاهرة السلبية إلى غاية الآن ولاتزال محاولات التهريب متواصلة ، حيث وردت إلينا صورة من مراسلة السيد / رئيس مصلحة الموانئ والنقل البحري التي تفيد بإبلاغ السيد / مدير عام ميناء زوارة البحري بتاريخ 2016.9.29م بعدم السماح بدخول سفينة إلا بعد أخذ موافقة المؤسسة الوطنية للنفط بعد أن وردت معلومات حول وصول سفينة وكذلك برقية وصول للناقلة المسماة (هولان _HULIN) أحرف النداء (9HRW9) جنسيتها (مالطية) IMO (9447043) الواصلة لمنطقة المخطاف بتاريخ 2016.9.25م ووكيلها الملاحي شركة صلامبو طرابلس للتوكيلات الملاحية والقادمة لغرض شحن (10250 طن وقود).

بالتالي ... فإن مثل هذا التصرفات تنعكس سلبا على الإقتصاد الوطني خطرا لأن التهريب من العوامل السلبية التي لها تأثير على الدخل القومي والعبث بمقدرات الدولة خاصة وأن الوقود من السلع المدعومة مــن خزانة الدولة وأن الإتجار فيه أو تهريبه يعد مــن الجــرائم التي يعاقب عليه

م



دولة ليبيا
المؤسسة الوطنية للنفط

التسجيل .... التاريخ ....
الملف .... الموافق ....

القانون، الأمر الذي يتحتم معه معرفة الأطراف المتورطة في ذلك والعمل على معالجة هذه الظاهرة التي تهدد الاقتصاد الوطني والقضاء عليها بالتعاون مع الجهات الأمنية والقضائية في الدولة.

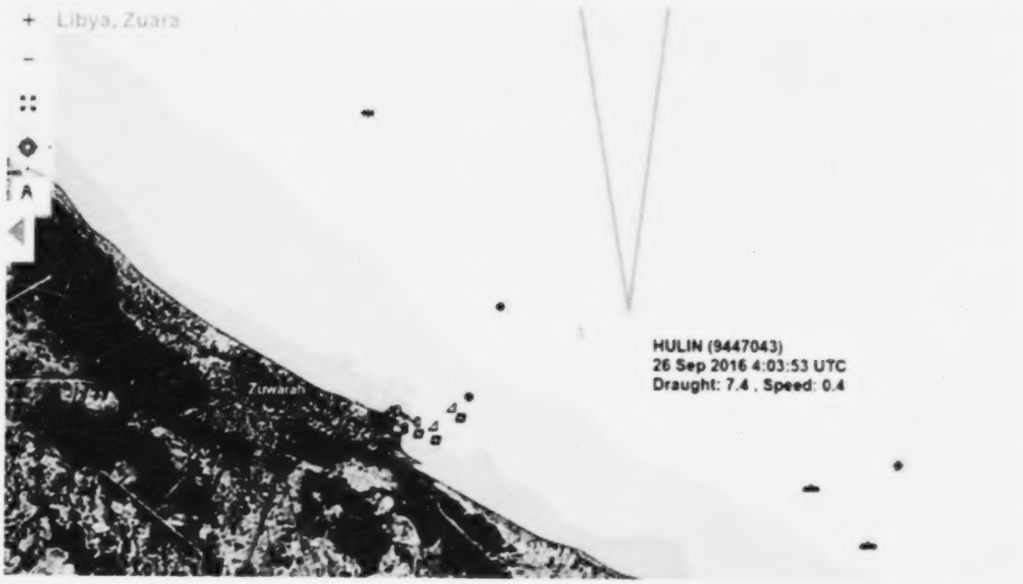
ونظراً لكون جهتكم المسئول فإننا نحيل إليكم هذا البلاغ لاتخاذ الإجراءات القانونية في هذا الشأن ومخاطبة الجهات المختصة من أجل القبض على القائمين بهذا العمل وتحويلهم إلى القضاء لمحاكمتهم، وبحث سبل القضاء على ظاهرة التهريب واتخاذ الإجراءات اللازمة التي تكفل عدم تكرار مثل هذه الأعمال مستقبلاً بما يكفل تحقيق الأمن والاستقرار والحفاظ على مقدرات الشعب الليبي
(مرفق صورة من المراسلة الواردة بهذا الخصوص)

والسلام عليكم ،،،

مصطفى عبدالله صنع الله
رئيس مجلس الإدارة

Source: Confidential

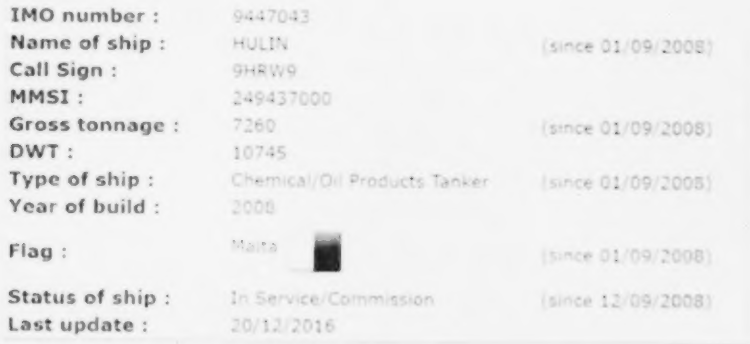
2. According to AIS data, the 'Hulin' (IMO 9447043) approached Zwara on 26 September 2016. It was detected less than 3.5 nautical miles from the port of the town.



HULIN (9447043)
26 Sep 2016 4:03:53 UTC
Draught: 7.4 , Speed: 0.4

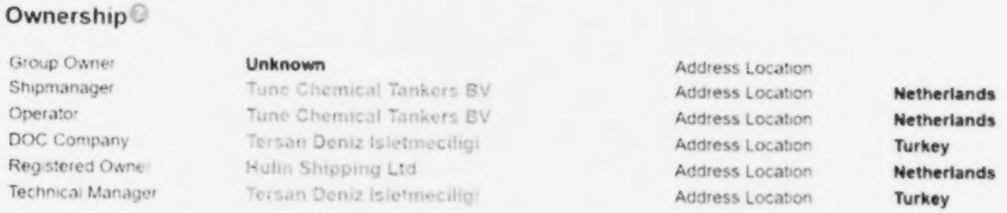
Source: IHS

Its details are:



IMO number :	9447043	
Name of ship :	HULIN	(since 01/09/2008)
Call Sign :	9HRW9	
MMSI :	249437000	
Gross tonnage :	7260	(since 01/09/2008)
DWT :	10745	
Type of ship :	Chemical/Oil Products Tanker	(since 01/09/2008)
Year of build :	2008	
Flag :	Malta	(since 01/09/2008)
Status of ship :	In Service/Commission	(since 12/09/2008)
Last update :	20/12/2016	

Source: Equasis

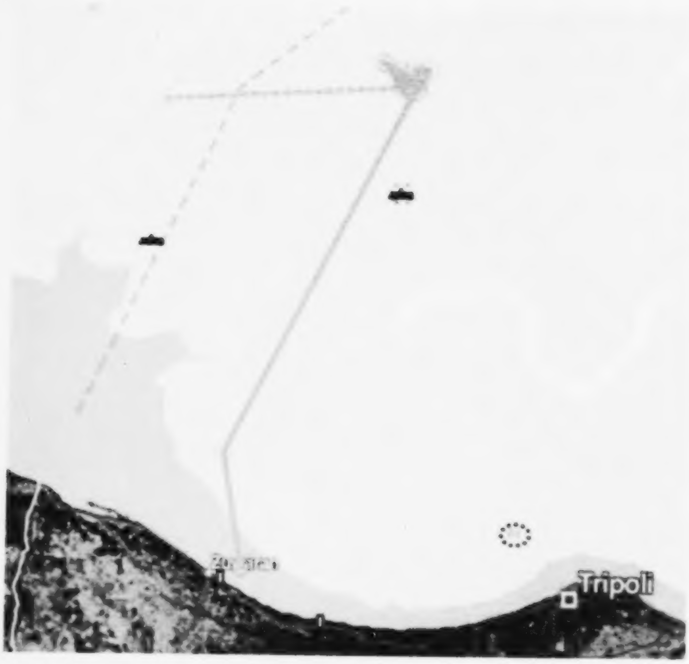


Ownership

Group Owner	**Unknown**	Address Location	
Shipmanager	Tune Chemical Tankers BV	Address Location	**Netherlands**
Operator	Tune Chemical Tankers BV	Address Location	**Netherlands**
DOC Company	Tersan Deniz Isletmeciligi	Address Location	**Turkey**
Registered Owner	Hulin Shipping Ltd	Address Location	**Netherlands**
Technical Manager	Tersan Deniz Isletmeciligi	Address Location	**Turkey**

Source: HIS

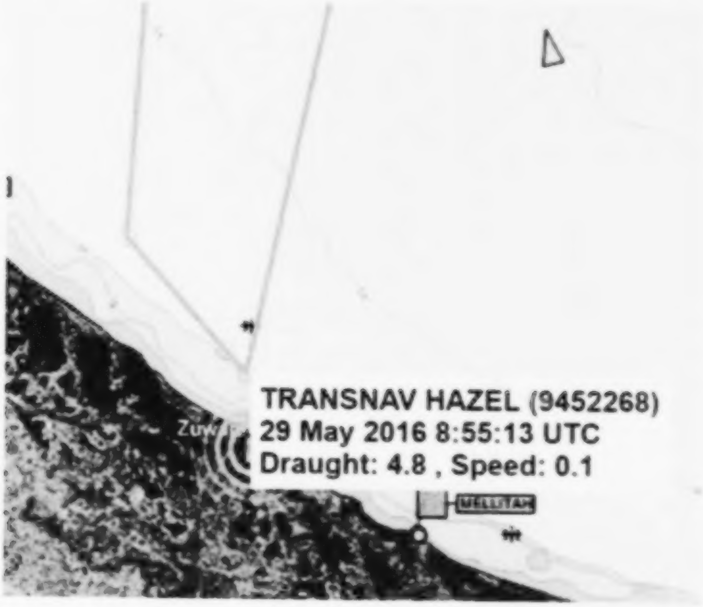
3. Before heading to Turkey, the vessel remained in front of the Libyan coast (70 nm off) until 22 October 2017.



Source: HIS

E. Transnav Hazel

1. On 29 May 2016 the vessel 'Yamuna' (IMO 9452268), subsequently named 'Transnav Hazel', and to date 'Stena', was detected in the coastal waters in front of Zwara.


TRANSNAV HAZEL (9452268)
29 May 2016 8:55:13 UTC
Draught: 4.8 , Speed: 0.1
Zuw

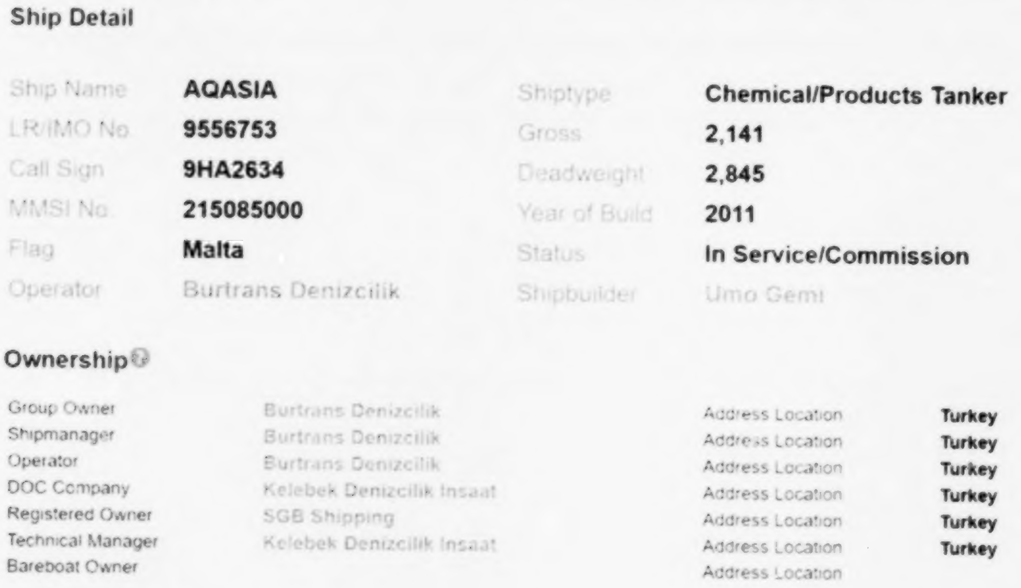
Source: IHS Seaweb

2. According to sources, this shipment was carried out by the Maltese company Patron Group Limited (see S/2016/209, paragraphs 4-6 of Annex 44). This seems accurate, given that one of its officially owned vessels, the 'Sea Patron', accompanied the Transnav Hazel all the way to Malta, sailing less than six nautical miles apart from each other. On 9 June 2016, both vessels remained alongside each other.

Source: IHS

F. Aqasia

1. In November 2016 the vessel 'Aqasia' (IMO 9556753) approached Zwara to load fuel. It headed to Cyprus, calling at Limassol on 12 December 2016. The details of the vessel are:



Ship Detail

Ship Name	**AQASIA**	Shiptype	**Chemical/Products Tanker**
LR/IMO No	**9556753**	Gross	**2,141**
Call Sign	**9HA2634**	Deadweight	**2,845**
MMSI No	**215085000**	Year of Build	**2011**
Flag	**Malta**	Status	**In Service/Commission**
Operator	Burtrans Denizcilik	Shipbuilder	Umo Gemi

Ownership

Group Owner	Burtrans Denizcilik	Address Location	**Turkey**
Shipmanager	Burtrans Denizcilik	Address Location	**Turkey**
Operator	Burtrans Denizcilik	Address Location	**Turkey**
DOC Company	Kelebek Denizcilik Insaat	Address Location	**Turkey**
Registered Owner	SGB Shipping	Address Location	**Turkey**
Technical Manager	Kelebek Denizcilik Insaat	Address Location	**Turkey**
Bareboat Owner		Address Location	

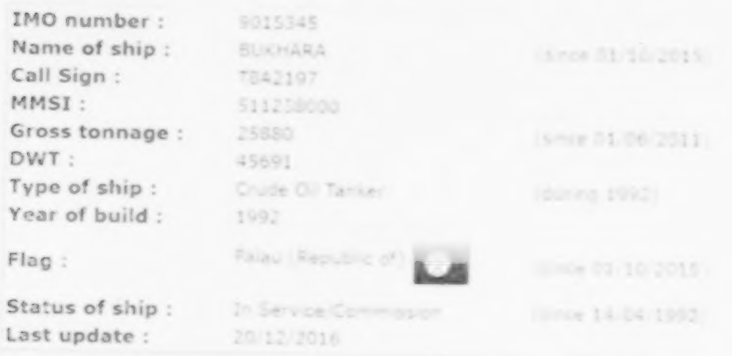
Source: IHS Seaweb

2. Between 11 and 18 November 2016 the vessel switched its AIS off.

G. Bukhara

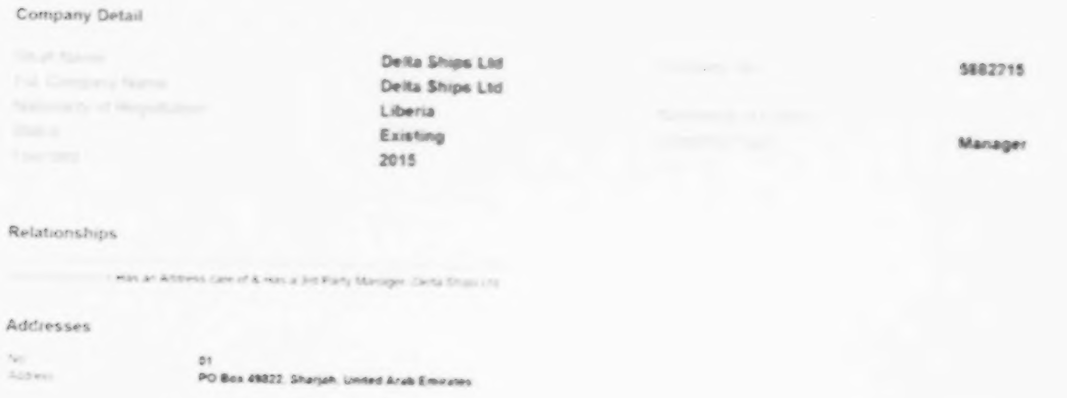
1. The western NOC received information from its sources in Zwara about an important loading of fuel on board the vessel 'Bukhara' (IMO 9015345) on 2 February 2017. Sources reported to the NOC that a group of armed men were on board, securing the loading.

2. The vessel Bukhara has remained for long periods of time with its AIS tracking switched off. Before its approach to Zwara the vessel had remained out of reach for the previous 13 days, remaining missing until 21 February 2017, when it was located off the southern coast of Crete. Afterwards, its AIS was switched off:



IMO number :	9015345	
Name of ship :	BUKHARA	(since 01/10/2015)
Call Sign :	T842197	
MMSI :	511238000	
Gross tonnage :	25880	(since 01/06/2011)
DWT :	45691	
Type of ship :	Crude Oil Tanker	(during 1992)
Year of build :	1992	
Flag :	Palau (Republic of)	(since 01/10/2015)
Status of ship :	In Service/Commission	(since 14/04/1992)
Last update :	20/12/2016	

Source: Equasis



Company Detail

	Delta Ships Ltd		5882715
	Delta Ships Ltd		
	Liberia		
	Existing		Manager
	2015		

Relationships

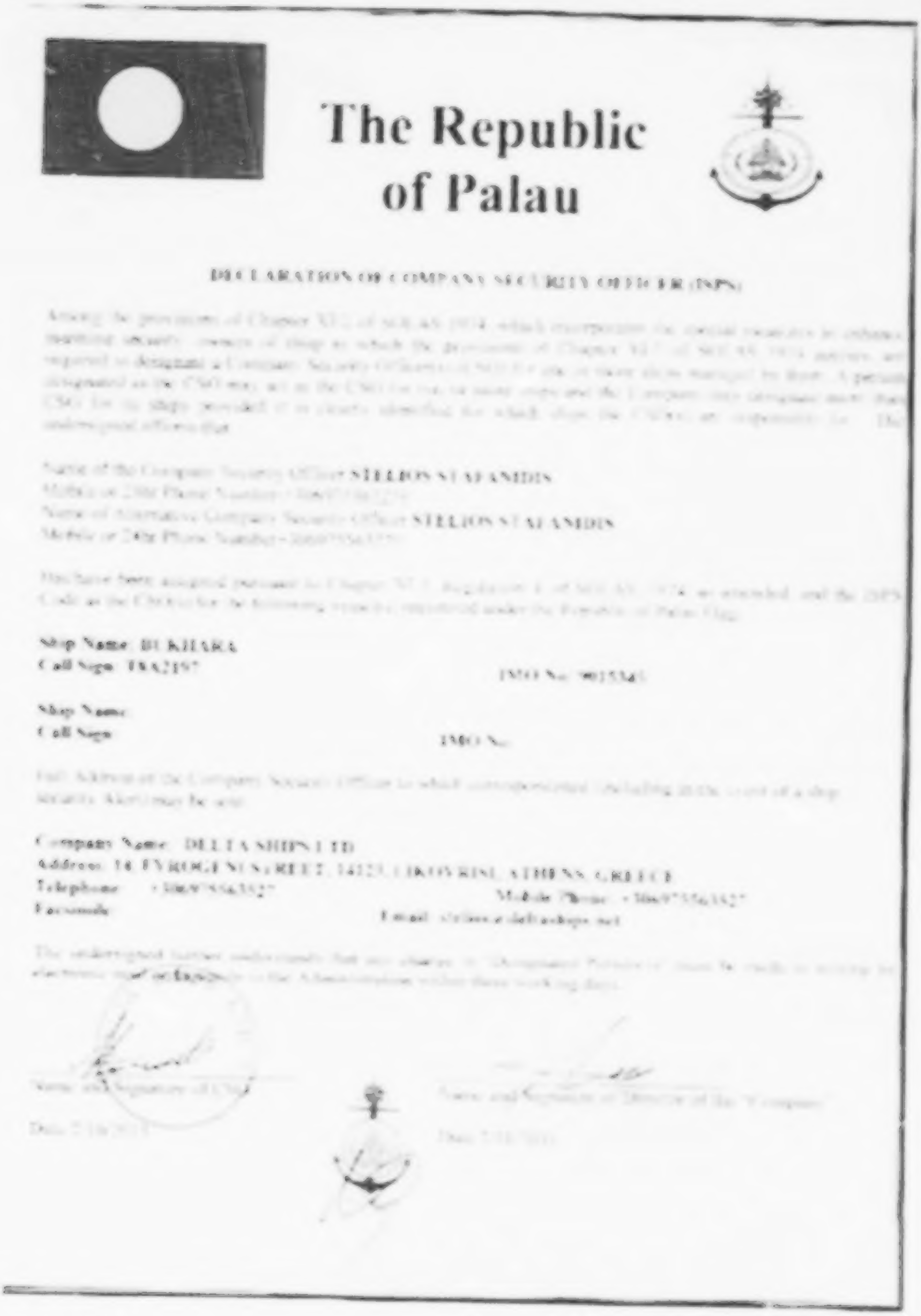
Has an Address care of & Has a 3rd Party Manager: Delta Ships Ltd

Addresses

01
PO Box 49822, Sharjah, United Arab Emirates

Source: IHS Seaweb

3. The Panel gathered the following documents regarding some of the individuals behind the company Delta Ships Ltd.:



The Republic of Palau

DECLARATION OF COMPANY SECURITY OFFICER (ISPS)

Name of the Company Security Officer **STELIOS STAFANIDIS**
Mobile or 24hr Phone Number
Name of Alternative Company Security Officer **STELIOS STAFANIDIS**
Mobile or 24hr Phone Number

Ship Name: BUKHARA
Call Sign: T8A2157 **IMO No: 9015345**

Ship Name:
Call Sign: **IMO No:**

Company Name: DELTA SHIPS LTD
Address: 14, EVROGENUS STREET, 14123, LIKOVRISI, ATHENS, GREECE
Telephone: +306975563527 **Mobile Phone: +306975563527**
Facsimile:
Email: stelios@deltaships.net

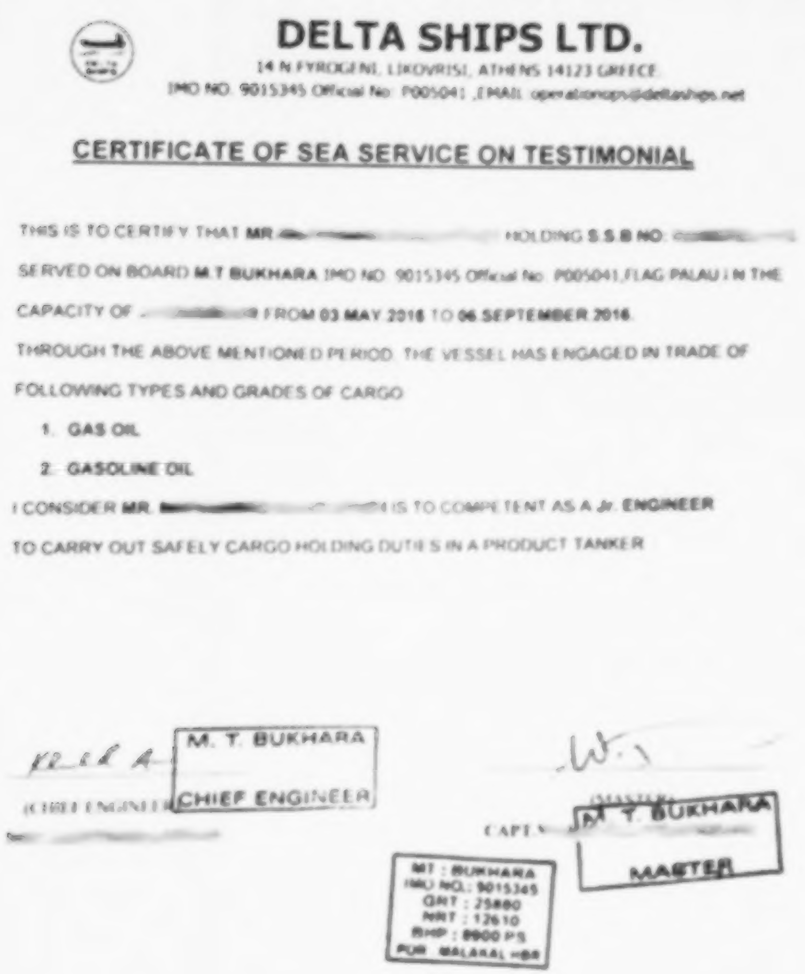
Name and Signature of CSO

Name and Signature of Director of the Company

Source: Confidential

4. The Panel contacted Mr. Stefanidis, the company security officer, but has not received a reply. The domain deltaships.net is only used for e-mail purposes and has no website. Mr. Stefanidis also appears as the owner of the domain.

5. The following document demonstrates that the main activity carried out by the 'Bukhara' is related to the shipment of gasoline and gas oil:



DELTA SHIPS LTD.

14 N FYROGENI, LIKOVRISI, ATHENS 14123 GREECE
IMO NO. 9015345 Official No: P005041 ,EMAIL operationops@deltaships.net

CERTIFICATE OF SEA SERVICE ON TESTIMONIAL

THIS IS TO CERTIFY THAT **MR** [redacted] HOLDING **S.S.B NO**: [redacted]

SERVED ON BOARD **M.T BUKHARA** IMO NO. 9015345 Official No. P005041,FLAG PALAU IN THE

CAPACITY OF [redacted] FROM **03 MAY 2016** TO **06 SEPTEMBER 2016**.

THROUGH THE ABOVE MENTIONED PERIOD. THE VESSEL HAS ENGAGED IN TRADE OF

FOLLOWING TYPES AND GRADES OF CARGO

1. **GAS OIL**
2. **GASOLINE OIL**

I CONSIDER **MR.** [redacted] IS TO COMPETENT AS A *Jr.* **ENGINEER**

TO CARRY OUT SAFELY CARGO HOLDING DUTIES IN A PRODUCT TANKER

M. T. BUKHARA
CHIEF ENGINEER

(CHIEF ENGINEER)
[redacted]

(MASTER)
CAPT. [redacted]

M. T. BUKHARA
MASTER

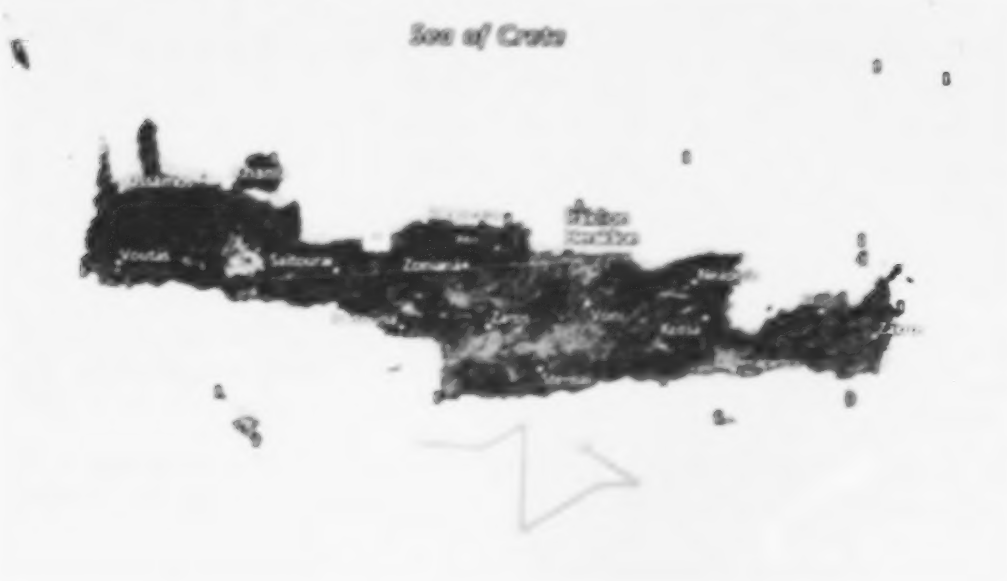
MT : BUKHARA
IMO NO.: 9015345
GRT : 25880
NRT : 12610
BHP : 8900 PS
POR : MALAKAL HBR

Source: Confidential

6. According to the sources of the NOC, the alleged destination of the cargo was either Malta or Turkey. However, the erratic operation of the AIS of the vessel hindered the Panel from confirming this information.

7. Finally, on 7 March 2017, the vessel switched on its AIS, while located off the southern coast of Crete.

Movements of the 'Bukhara' between 7 -9 March 2017



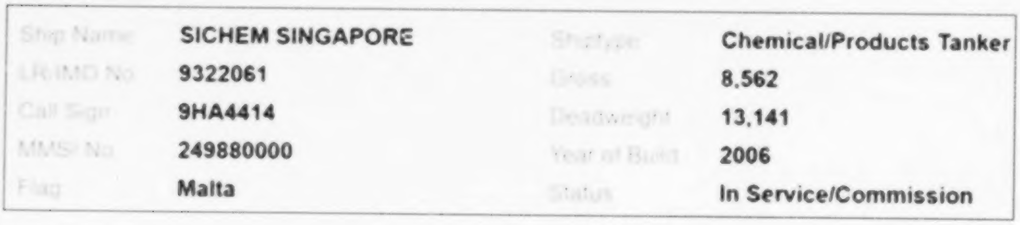
Source: IHS

H. Sichem Singapore

1. The Panel received an alert on 25 February 2017 of an alleged illicit shipment of heavy oil from Marsa al-Hariga. This alert was provided by the western NOC and Abdallah Ateiga.

2. The vessel 'Sichem Singapore' (IMO 9322061) was loading heavy oil in Marsa al-Hariga (Brega berth) on 25 February 2017. The tanker was expected to call at Marsa al-Hariga on 23 February 2017, according to the port records.

3. Details of the tanker 'Sichem Singapore' (IMO 9322061):



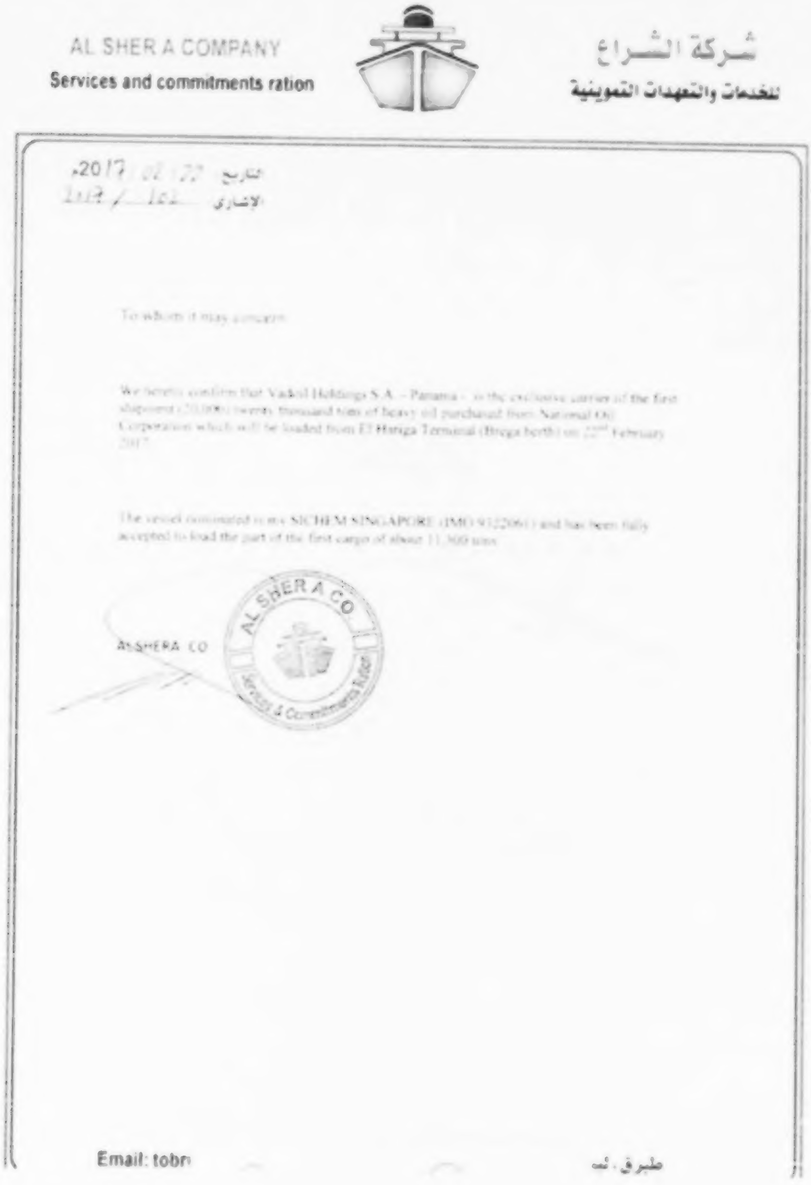
Ship Name	**SICHEM SINGAPORE**	Shiptype	**Chemical/Products Tanker**
LR/IMO No	**9322061**	Gross	**8,562**
Call Sign	**9HA4414**	Deadweight	**13,141**
MMSI No	**249880000**	Year of Build	**2006**
Flag	**Malta**	Status	**In Service/Commission**

Source: IHS Seaweb

4. The vessel is owned by the group Team Tankers International Ltd (registered in Bermuda) and managed by one of its subsidiaries, Team Tankers Management A/S (Third floor, Strandvejen 58, 2900 Hellerup, Denmark).

5. The Danish company has always cooperated with the western NOC. Since the company was aware of the problematic shipment, it complied with the instructions given by the Maltese authorities.

6. According to the information gathered, the buyer of the heavy oil is the company Vadoil Holdings S.A., registered in Panama. In the following document it is stated that the seller is the Libyan company Al Shera Company, Services and Commitments Ration which is a catering company. In the document it is clearly stated that the heavy oil was sold by the eastern NOC and that two shipments were expected to carry the amount of 20,000 metric tons of heavy oil. The shipment on board the 'Sichem Singapore' amounts to 11,500 metric tons of heavy oil:



AL SHER A COMPANY
Services and commitments ration
شـركة الشــراع
للخدمات والتعهدات التموينية

التاريخ: 22 / 02 / 2017م
الإشاري: [illegible] / 102

To whom it may concern

We hereby confirm that Vadoil Holdings S.A. – Panama – is the exclusive carrier of the first shipment (20,000) twenty thousand tons of heavy oil purchased from National Oil Corporation which will be loaded from El Hariga Terminal (Brega berth) on 22nd February 2017.

The vessel nominated is mv SICHEM SINGAPORE (IMO 9122061) and has been fully accepted to load the part of the first cargo of about 11,500 tons.

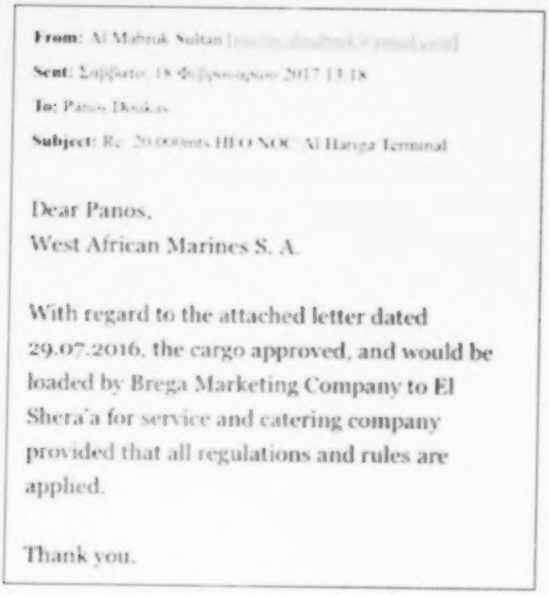
ALSHERA CO

AL SHER A CO

Email: tobr
طبرق . لي

Source: Confidential

7. In order to demonstrate a clear implication of the eastern NOC in this shipment, the Panel shows the following e-mail, sent by the General Manager for International Marketing, Almabruk Sultan, to a Greek broker, on 18 February 2017, referring to a contract allegedly signed in 2016:



From: Al Mabruk Sultan [mailto:[illegible]]

Sent: Σάββατο, 18 Φεβρουαρίου 2017 13:18

To: Panos Doukas

Subject: Re: 20.000mts HFO NOC Al Hariga Terminal

Dear Panos,
West African Marines S. A.

With regard to the attached letter dated 29.07.2016, the cargo approved, and would be loaded by Brega Marketing Company to El Shera'a for service and catering company provided that all regulations and rules are applied.

Thank you.

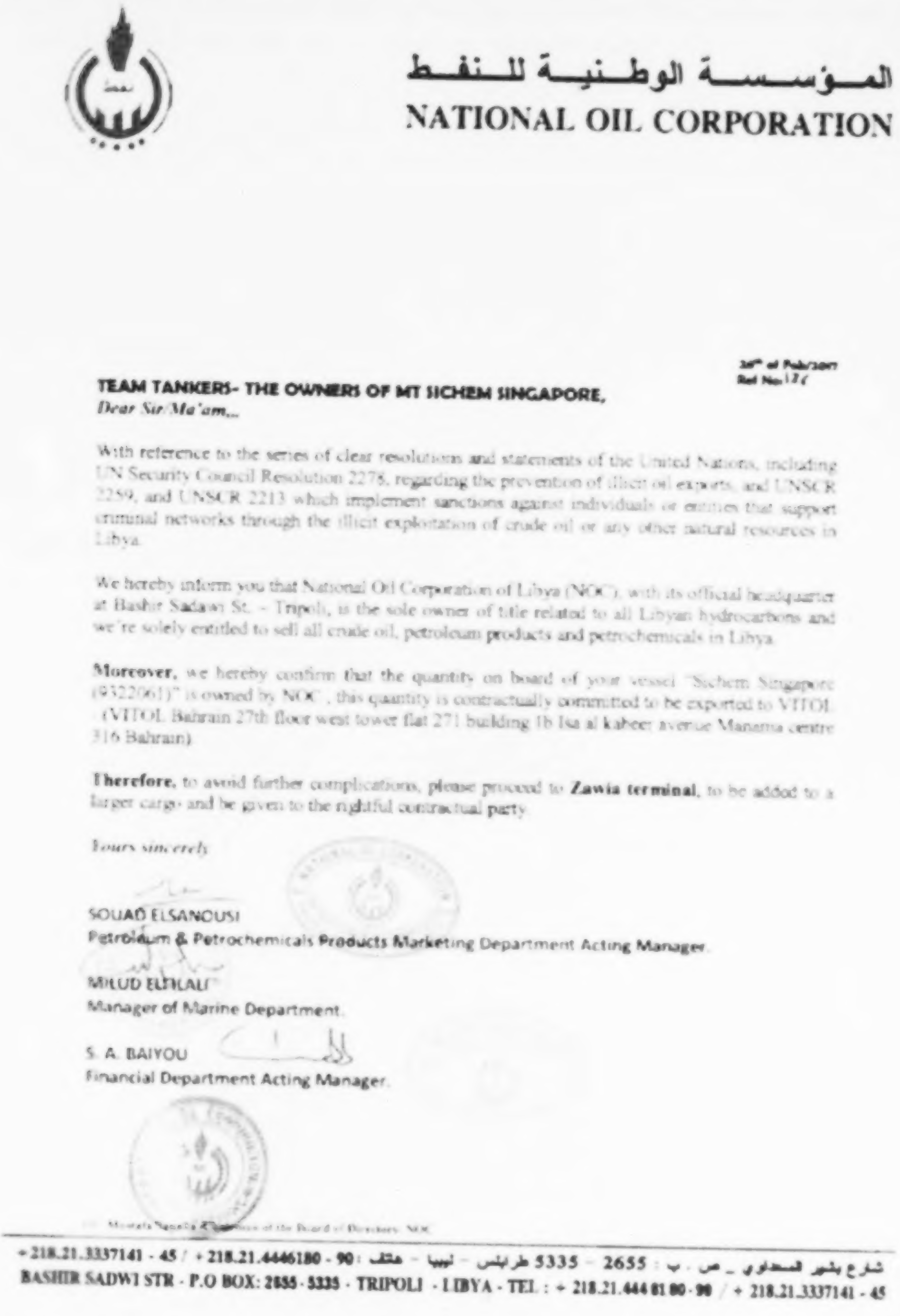
Source: Confidential

8. The western NOC contacted Ateiga, the owners of the tanker and the Maltese authorities in order to prevent the shipment from happening. The owners of the vessel explained that they always believed that the supplier of the heavy oil was the NOC.

9. The loading was finalised in the late hours of 25 February 2017.

10. The captain of the vessel was instructed by the Maltese authorities to remain in port until further notice. Later, the NOC decided that the ship should head to Zawiya to unload the heavy oil. Finally, the captain was given the green light to set sail and on 26 February 2017 the tanker headed to Zawiya where it was expected to proceed to unload.

11. The following document, addressed to the owners of the vessel, includes the instruction to sail to Zawiya and unload there.



المؤسسة الوطنية للنفط
NATIONAL OIL CORPORATION

26th of Feb/2017
Ref No: 126

TEAM TANKERS- THE OWNERS OF MT SICHEM SINGAPORE,
Dear Sir/Ma'am,..

With reference to the series of clear resolutions and statements of the United Nations, including UN Security Council Resolution 2278, regarding the prevention of illicit oil exports, and UNSCR 2259, and UNSCR 2213 which implement sanctions against individuals or entities that support criminal networks through the illicit exploitation of crude oil or any other natural resources in Libya.

We hereby inform you that National Oil Corporation of Libya (NOC), with its official headquarter at Bashir Sadawi St. – Tripoli, is the sole owner of title related to all Libyan hydrocarbons and we're solely entitled to sell all crude oil, petroleum products and petrochemicals in Libya.

Moreover, we hereby confirm that the quantity on board of your vessel "Sichem Singapore (9322061)" is owned by NOC , this quantity is contractually committed to be exported to VITOL . (VITOL Bahrain 27th floor west tower flat 271 building 1b Isa al kabeer avenue Manama centre 316 Bahrain)

Therefore, to avoid further complications, please proceed to **Zawia terminal**, to be added to a larger cargo and be given to the rightful contractual party.

Yours sincerely

SOUAD ELSANOUSI
Petroleum & Petrochemicals Products Marketing Department Acting Manager.

MILUD ELHLALI
Manager of Marine Department.

S. A. BAIYOU
Financial Department Acting Manager.

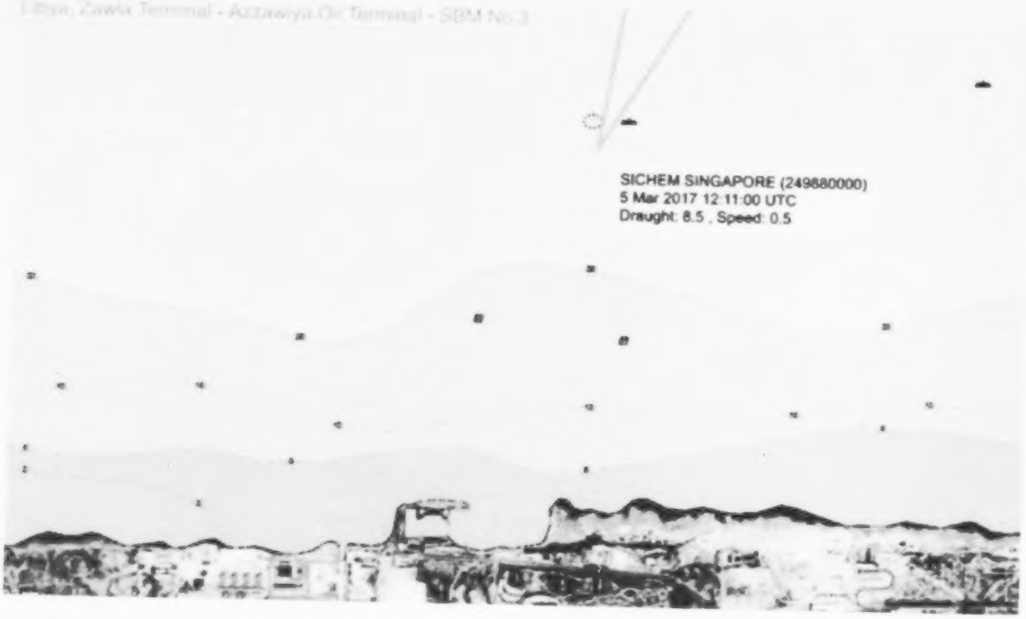
CC: Mustafa Sanalla Chairman of the Board of Directors, NOC

شارع بشير السعداوي _ ص . ب : 2655 – 5335 طرابلس – ليبيا – هاتف : 90 - 218.21.4446180 + / 45 - 218.21.3337141 +
BASHIR SADWI STR - P.O BOX: 2655 - 5335 - TRIPOLI - LIBYA - TEL : + 218.21.444 01 80 - 90 / + 218.21.3337141 - 45

Source: Western NOC

12. The Panel contacted the eastern NOC in order to request information on the shipment. The contacted individuals included Almabruk Sultan, General Manager for International Marketing of the eastern NOC. All of them denied any involvement or knowledge of the shipment.

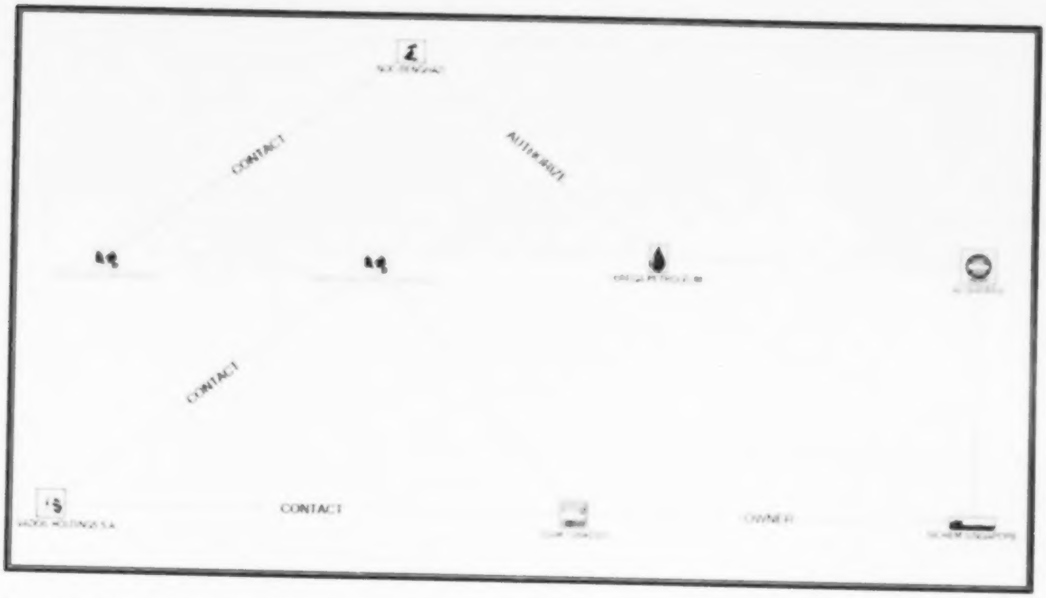
13. The tanker, after receiving instructions from Malta and after resolving some differences with the charterer, Vadoil Holdings S.A., discharged the fuel in Zawiya on 5 March 2017, heading to Malta on 6 March 2017.



SICHEM SINGAPORE (249880000)
5 Mar 2017 12:11:00 UTC
Draught: 8.5 , Speed: 0.5

Sichem Singapore unloading in Zawiya (Source: IHS)

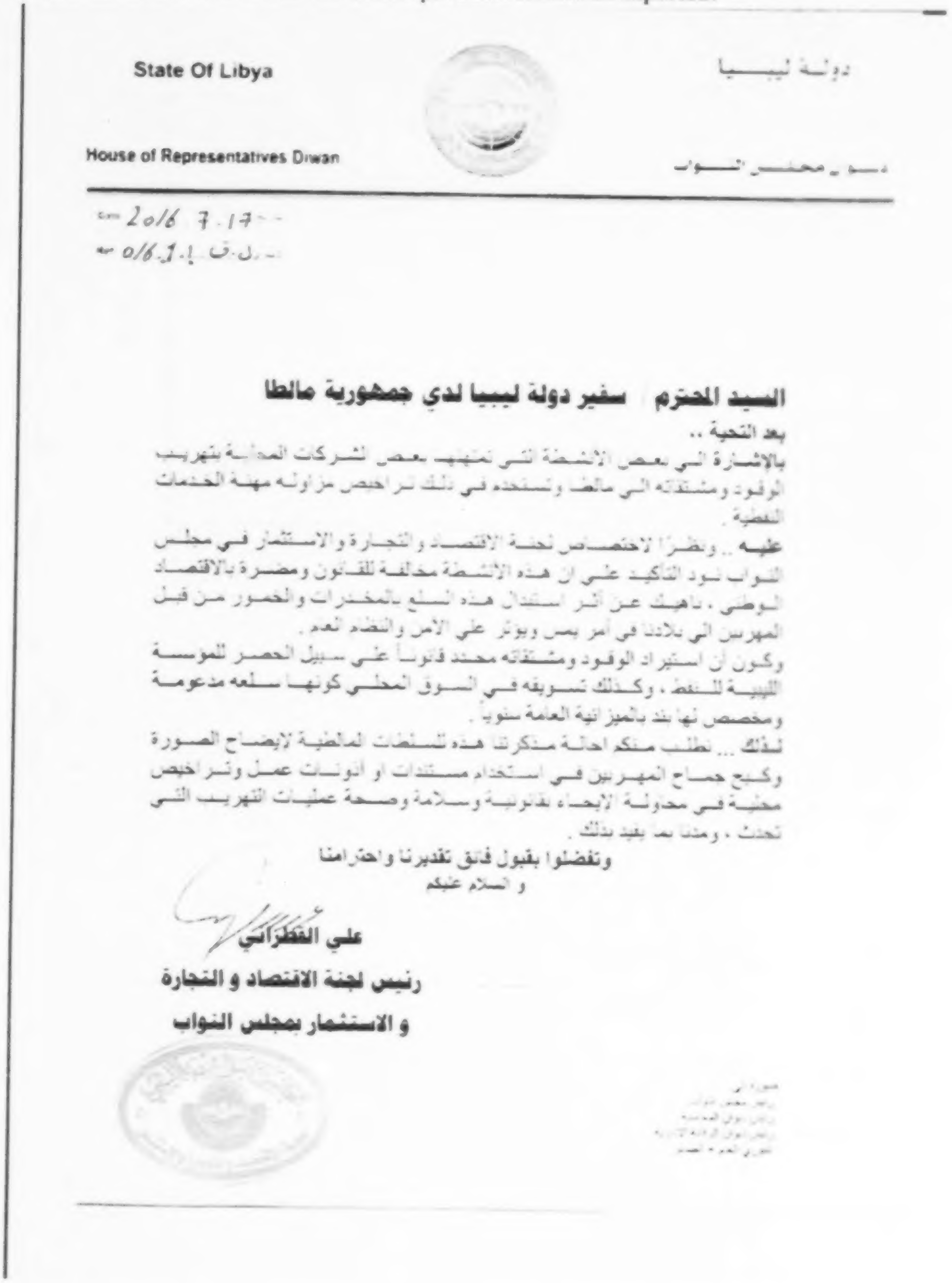
14. The following graph explains the relations between the entities involved in the sale of the heavy oil:


CONTACT
AUTHORIZE
CONTACT
CONTACT
OWNER

Source: Panel research

Annex 65 HoR statement

On 17 July 2016, the Economy, Trade and Investment Committee at the House of Representatives reiterated to the Maltese authorities that subsidized products cannot be exported:



State Of Libya
House of Representatives Diwan

دولــة ليبـــيا
ديــوان مجلــس النــواب

2016.7.17
016.7.1 ق.ر

السيد المحترم / سفير دولة ليبيا لدي جمهورية مالطا

بعد التحية ..

بالإشارة الى بعض الأنشطة التي تنتهجها بعض الشركات المالطية بتهريب الوقود ومشتقاته الى مالطا وتستخدم في ذلك تراخيص مزاولة مهنة الخدمات النفطية .

عليه .. ونظراً لاختصاص لجنة الاقتصاد والتجارة والاستثمار في مجلس النواب نود التأكيد على ان هذه الأنشطة مخالفة للقانون ومضرة بالاقتصاد الوطني ، ناهيك عن أثر استبدال هذه السلع بالمخدرات والخمور من قبل المهربين الى بلادنا في أمر يمس ويؤثر على الأمن والنظام العام .

وكون أن استيراد الوقود ومشتقاته محدد قانوناً على سبيل الحصر للمؤسسة الليبية للنفط ، وكذلك تسويقه في السوق المحلي كونها سلعه مدعومة ومخصص لها بند بالميزانية العامة سنوياً .

لذلك ... نطلب منكم احالة مذكرتنا هذه للسلطات المالطية لإيضاح الصورة وكبح جماح المهربين في استخدام مستندات او أذونات عمل وتراخيص محلية في محاولة الإيحاء بقانونية وسلامة وصحة عمليات التهريب التي تحدث ، ومدنا بما يفيد بذلك .

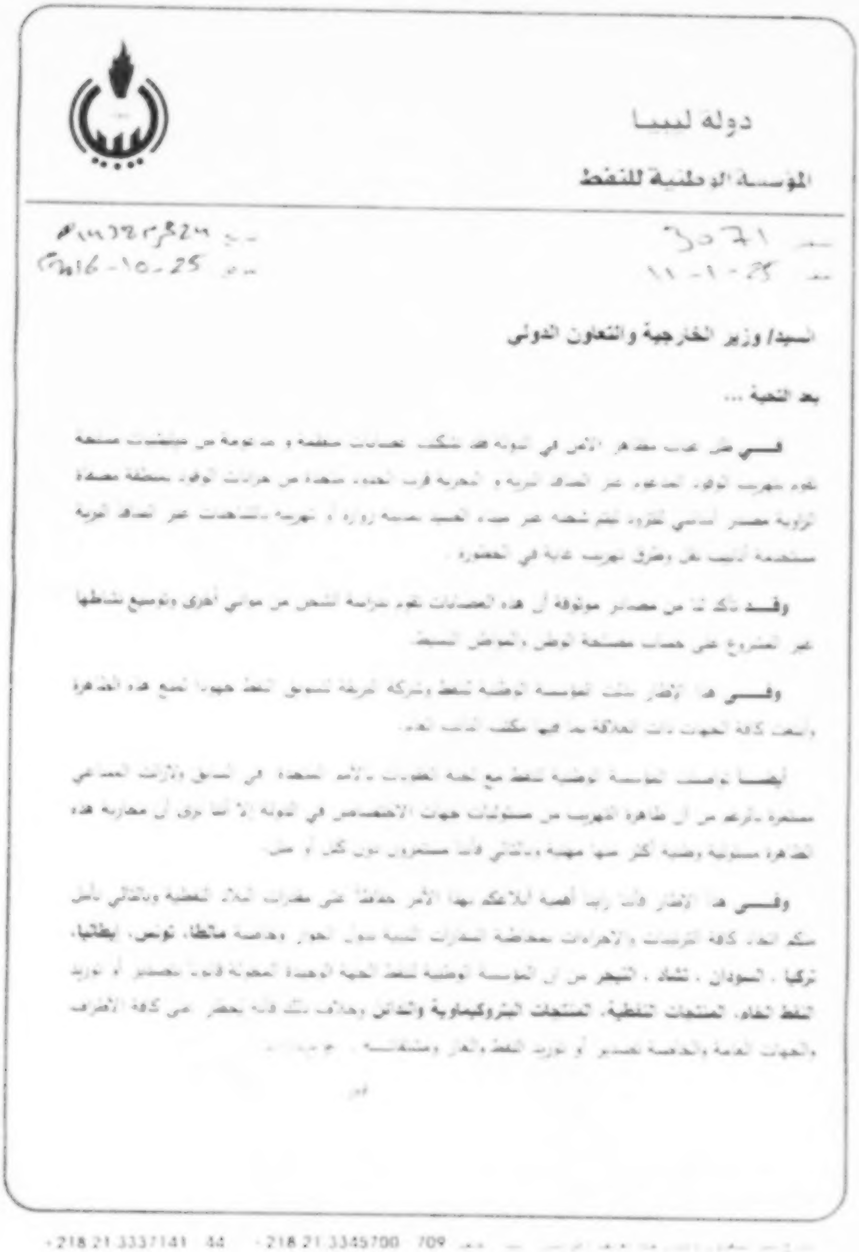
وتفضلوا بقبول فائق تقديرنا واحترامنا
والسلام عليكم

علي القطراني
رئيس لجنة الاقتصاد و التجارة
و الاستثمار بمجلس النواب

Source: Confidential

Annex 66 NOC letter to the Libyan Ministry of Foreign Affairs

1. The NOC addressed a letter to the Libyan Ministry of Foreign Affairs requesting it to send reminders to its counterparts in the neighbouring countries that the National Oil Company is the sole entity that is authorized by law to import or export crude oil, petroleum products, petrochemical products and plastics.



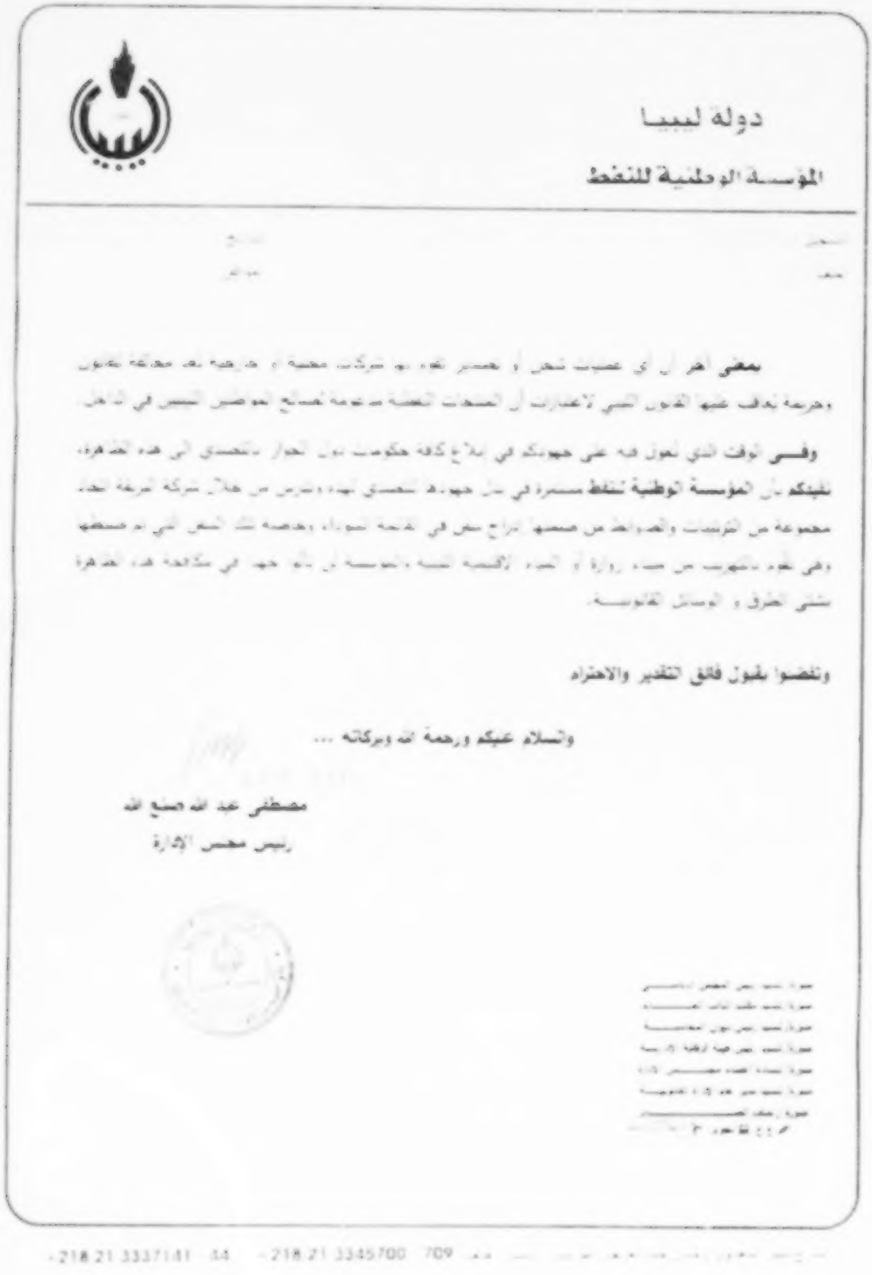
دولة ليبيا
المؤسسة الوطنية للنفط

3071
[illegible]
2016-10-25

السيد/ وزير الخارجية والتعاون الدولي

بعد التحية ...

+218 21 3337141 44 +218 21 3345700 709



دولة ليبيا

المؤسسة الوطنية للنفط

بمعنى آخر أن أي عمليات شحن أو تصدير تقوم بها شركات محلية أو خارجية تعد مخالفة للقانون وجريمة يعاقب عليها القانون الليبي لاعتبارات أن المشتقات النفطية مدعومة لصالح المواطنين الليبيين في الداخل.

وفـــي الوقت الذي نعول فيه على جهودكم في إبلاغ كافة حكومات دول الجوار بالتصدي إلى هذه الظاهرة، نفيدكم بأن **المؤسسة الوطنية للنفط** مستمرة في بذل جهودها للتصدي لهذه الظاهرة من خلال شركة البريقة لتحديد مجموعة من الترتيبات والضوابط من ضمنها إدراج نص في القائمة السوداء وخاصة تلك السفن التي تم ضبطها وهي تقوم بالتهريب من قبل وزارة أو الجهات الأمنية المعنية والمؤسسة لن تألو جهداً في مكافحة هذه الظاهرة بشتى الطرق و الوسائل القانونيـــة.

وتفضلوا بقبول فائق التقدير والاحترام

والسلام عليكم ورحمة الله وبركاته ...

مصطفى عبد الله صنع الله
رئيس مجلس الإدارة

+218 21 3337141 - 44 +218 21 3345700 709

Source: Confidential

Annex 67 Brokering companies

1. The following are examples of messages of brokering companies seeking vessels to carry shipments of fuel from Libya:

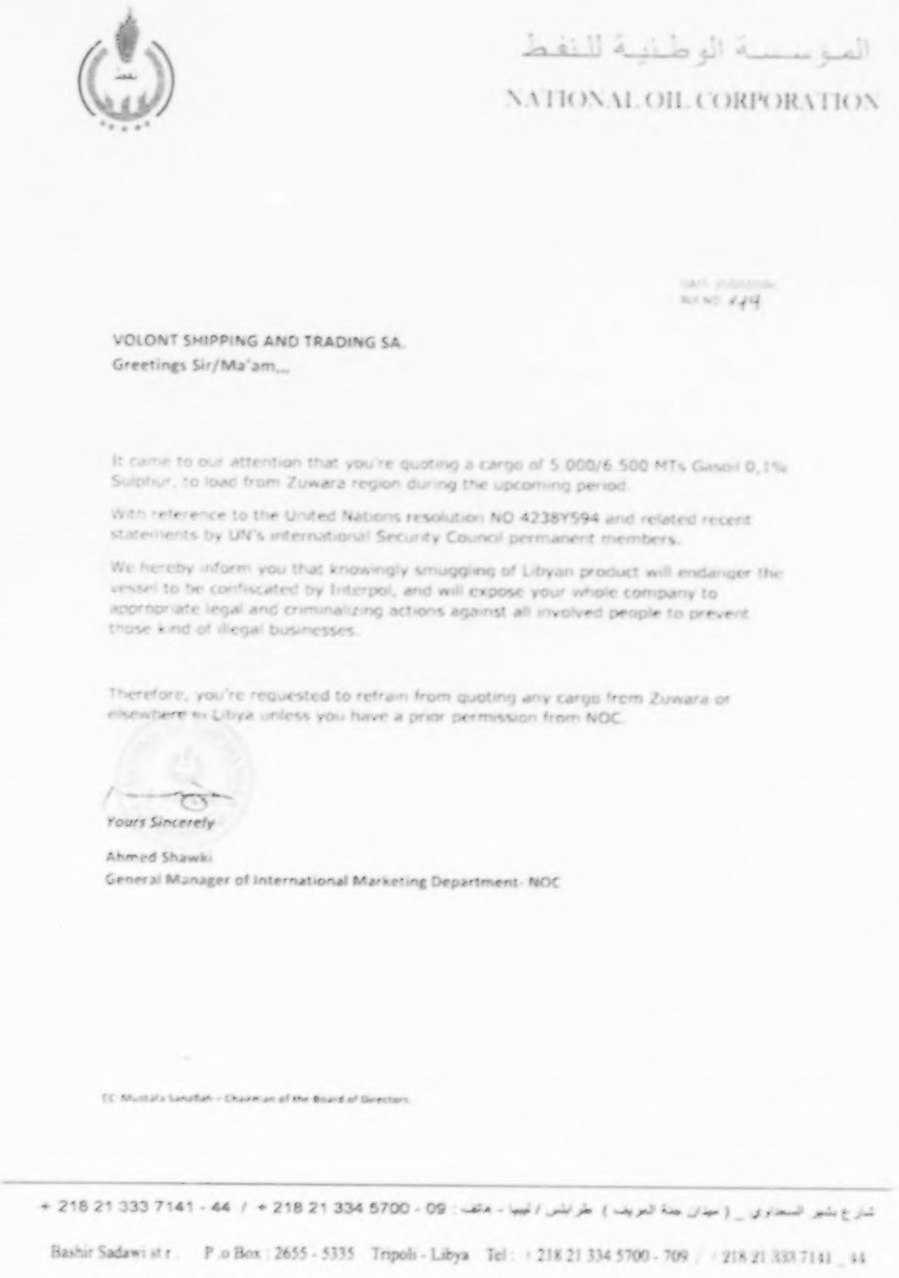
a) From: BAT bat@paco.net
Sent: 14/07/2016 17:25:58
Subject: 7/10000 mt Gasoil Libya/Yemen-Spot
PLS YR BOFFER FOR FOLLFIRM CGO
7/10000 MT GASOIL IN BULK
ZUWARAH, LIBYA/HODEIDA, YEMEN
L/C: SPOT
LOAD/DISCH RATE 3 DAYS/ 2 DAYS
COMMI 3,25% TTL
BRGDS
Bogdan

2. Explanation of the above: the company BAT (Ukraine) is looking for the best offer to ship an amount of gasoil (7,000-10,000 Metric Tons) from Zwara to Hodeida (Yemen). The loading would be in Zwara and would require three days, while the off-loading in Hodeida would necessitate two days. The company (BAT) takes a share of 3.25% of the offer agreed.

b) Cargo : 5.000/6.500 mts Gasoil 0,1% Sulphur
Load Port : Zuwara, Libya (12-15nm north abeam Zwara Port, Libya)
Discharge Port : Will be nominated for each shipment as follows
Opt. 1 - Trieste Port / Venice Port
Opt. 2 - Genoa Port
Opt. 3 - Napoli Port
Opt. 4 - Mersin, Turkey
L/can : Vsl's dates, even this week can load
Load : 5 ttl wwdays
Loading STS
need 3" and 6" hoses to connect
Minimum 6 measuring meters hoses capable of measuring qty in liters
Fenders for STS ops
Discharge : 36 hrs + 6hrs
No any age / flag restriction.
Charterer's agent both ends. (Free d/a at loading port)
2.5pct pus

3. Explanation of the above: in this case the amount of gasoil is 5,000-6,500 Metric Tons and specifies that the loading will take place at sea, 12 or 15 nautical miles off the port of Zwara. The destination ports are Trieste or Venice, Genoa and Napoli in Italy and Mersin in Turkey.

4. The NOC (Tripoli) sends warnings to the brokering companies they detect and identify, as the following, including non-existent resolution references and a baseless reference to Interpol:



المؤسسة الوطنية للنفط
NATIONAL OIL CORPORATION

DATE: [illegible]
REF NO: 449

VOLONT SHIPPING AND TRADING SA.
Greetings Sir/Ma'am,,,

It came to our attention that you're quoting a cargo of 5.000/6.500 MTs Gasoil 0,1% Sulphur, to load from Zuwara region during the upcoming period.

With reference to the United Nations resolution NO **4238Y594** and related recent statements by UN's international Security Council permanent members.

We hereby inform you that knowingly smuggling of Libyan product will endanger the vessel to be confiscated by Interpol, and will expose your whole company to appropriate legal and criminalizing actions against all involved people to prevent those kind of illegal businesses.

Therefore, you're requested to refrain from quoting any cargo from Zuwara or elsewhere in Libya unless you have a prior permission from NOC.

Yours Sincerely

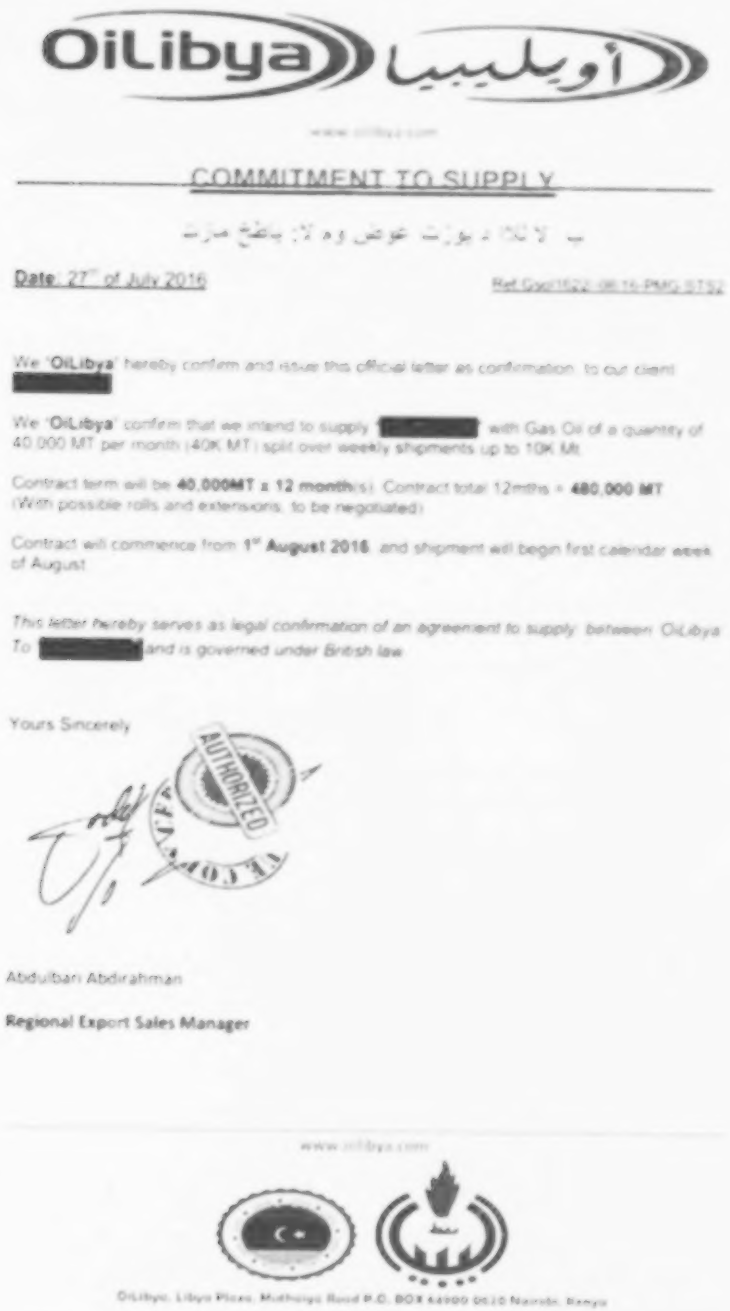
Ahmed Shawki
General Manager of International Marketing Department- NOC

CC: Mustafa Sanallah – Chairman of the Board of Directors.

شارع بشير السعداوي _ (ميدان جمعة العريف) طرابلس / ليبيا - هاتف : 09 - 5700 334 21 218 + / 44 - 7141 333 21 218 +
Bashir Sadawi st r. P.o Box : 2655 - 5335 Tripoli - Libya Tel : + 218 21 334 5700 - 709 / + 218 21 333 7141 _ 44

Source: Confidential

5. One of the official fuel distributing companies is Oil Libya. On 7 August 2016, its branch in the United Arab Emirates received a disturbing request from a fuel trading company. The latter wanted Oil Libya to verify some documents it had received on behalf of Oil Libya. The papers were fake. Zwara is mentioned as the loading point.



OiLibya أويليبيا

www.oilibya.com

COMMITMENT TO SUPPLY

[illegible]

Date: 27th of July 2016

Ref Gyp/1622-0616-PMG-ST52

We '**OiLibya**' hereby confirm and issue this official letter as confirmation to our client [redacted]

We '**OiLibya**' confirm that we intend to supply '[redacted]' with Gas Oil of a quantity of 40,000 MT per month (40K MT) split over weekly shipments up to 10K Mt.

Contract term will be **40,000MT x 12 month**(s). Contract total 12mths = **480,000 MT** (With possible rolls and extensions, to be negotiated)

Contract will commence from **1st August 2016**, and shipment will begin first calendar week of August

This letter hereby serves as legal confirmation of an agreement to supply between OiLibya To '[redacted] and is governed under British law

Yours Sincerely

AUTHORIZED

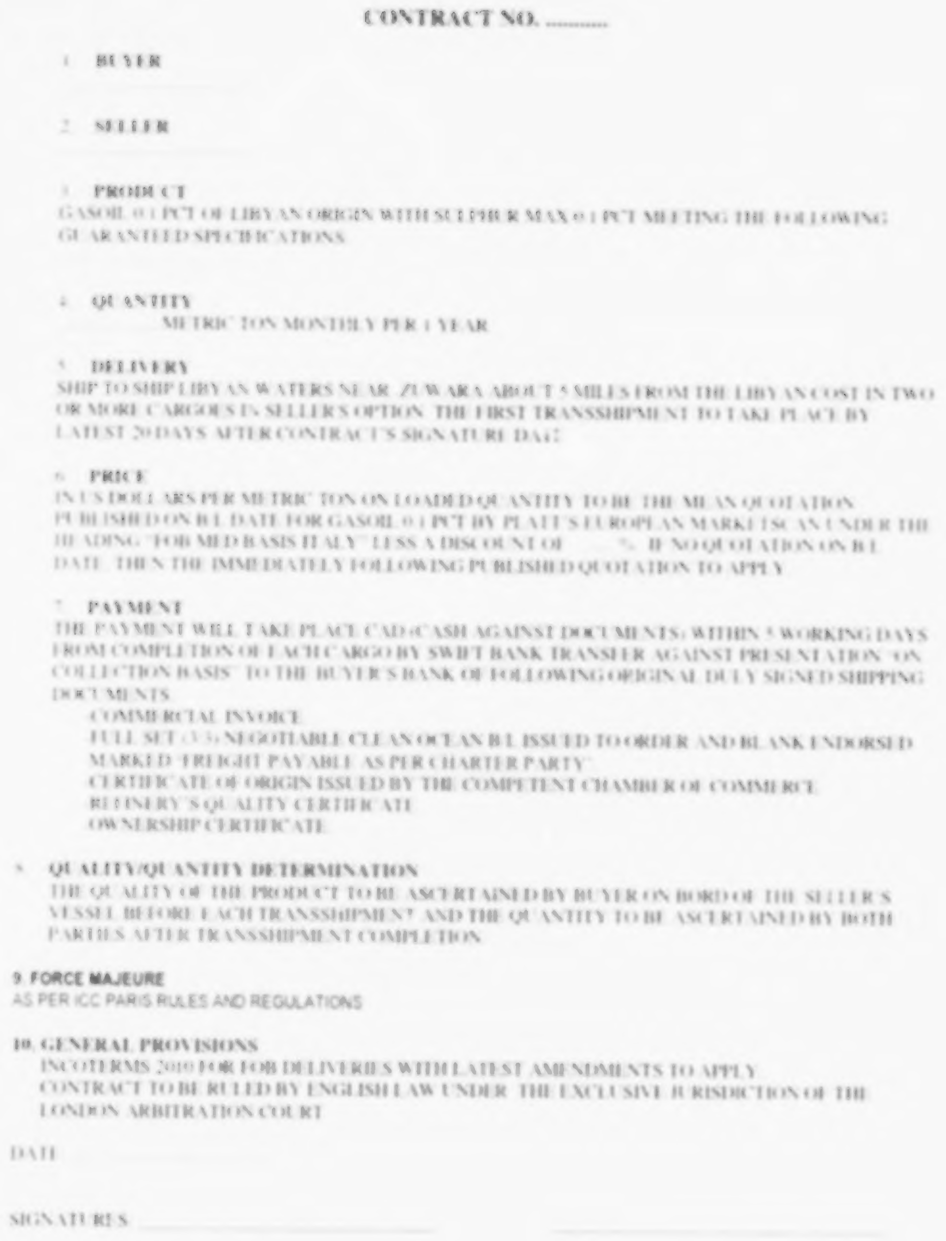
Abdulbari Abdirahman

Regional Export Sales Manager

www.oilibya.com

OiLibya, Libya Plaza, Muthaiga Road P.O. BOX 64900 0610 Nairobi, Kenya

Source: Confidential



CONTRACT NO. ....

1. **BUYER**

2. **SELLER**

3. **PRODUCT**

GASOIL 0.1 PCT OF LIBYAN ORIGIN WITH SULPHUR MAX 0.1 PCT MEETING THE FOLLOWING GUARANTEED SPECIFICATIONS

4. **QUANTITY**

METRIC TON MONTHLY PER 1 YEAR

5. **DELIVERY**

SHIP TO SHIP LIBYAN WATERS NEAR ZUWARA ABOUT 5 MILES FROM THE LIBYAN COST IN TWO OR MORE CARGOES IN SELLER'S OPTION. THE FIRST TRANSSHIPMENT TO TAKE PLACE BY LATEST 20 DAYS AFTER CONTRACT'S SIGNATURE DATE

6. **PRICE**

IN US DOLLARS PER METRIC TON ON LOADED QUANTITY TO BE THE MEAN QUOTATION PUBLISHED ON B/L DATE FOR GASOIL 0.1 PCT BY PLATT'S EUROPEAN MARKETSCAN UNDER THE HEADING "FOB MED BASIS ITALY" LESS A DISCOUNT OF %. IF NO QUOTATION ON B/L DATE, THEN THE IMMEDIATELY FOLLOWING PUBLISHED QUOTATION TO APPLY

7. **PAYMENT**

THE PAYMENT WILL TAKE PLACE CAD (CASH AGAINST DOCUMENTS) WITHIN 5 WORKING DAYS FROM COMPLETION OF EACH CARGO BY SWIFT BANK TRANSFER AGAINST PRESENTATION "ON COLLECTION BASIS" TO THE BUYER'S BANK OF FOLLOWING ORIGINAL DULY SIGNED SHIPPING DOCUMENTS:

- COMMERCIAL INVOICE
- FULL SET (3/3) NEGOTIABLE CLEAN OCEAN B/L ISSUED TO ORDER AND BLANK ENDORSED MARKED 'FREIGHT PAYABLE AS PER CHARTER PARTY'
- CERTIFICATE OF ORIGIN ISSUED BY THE COMPETENT CHAMBER OF COMMERCE
- REFINERY'S QUALITY CERTIFICATE
- OWNERSHIP CERTIFICATE

8. **QUALITY/QUANTITY DETERMINATION**

THE QUALITY OF THE PRODUCT TO BE ASCERTAINED BY BUYER ON BORD OF THE SELLER'S VESSEL BEFORE EACH TRANSSHIPMENT AND THE QUANTITY TO BE ASCERTAINED BY BOTH PARTIES AFTER TRANSSHIPMENT COMPLETION

9. FORCE MAJEURE

AS PER ICC PARIS RULES AND REGULATIONS

10. GENERAL PROVISIONS

INCOTERMS 2010 FOR FOB DELIVERIES WITH LATEST AMENDMENTS TO APPLY
CONTRACT TO BE RULED BY ENGLISH LAW UNDER THE EXCLUSIVE JURISDICTION OF THE LONDON ARBITRATION COURT

DATE

SIGNATURES _______________________ _______________________

Source: Confidential

Annex 68 Fuel smuggling by land

1. This is a translation of the report drafted by the Oil and Oil Derivatives Oversight Committee (Brega Petroleum) after a field visit to Ras Ajdir:

Translated from Arabic

State of Libya

National Oil Corporation

Record: 2369 Date: 14 Dhu'lqa'dah A.H. 1437

File: 25-1-3 17 August A.D. 2016

Sir,

With this letter, we hereby inform you that we have received a report from the Chairman of the Board of Directors of the Brega Petroleum Marketing Company (No. 476/2016) dated 9 August 2016 regarding the field visit by members of the Oil and Oil Derivatives Oversight Committee to the Ra's Ajdir border post and the port of Zuwarah on 24 July 2016. The report sheds light on some of the ways that oil is smuggled out of Libya, and includes photographs showing tanker trucks in the port of Zuwarah smuggling oil in full view of everyone who works there, including the various security agencies.

Such activities have a negative impact on the national economy. Smuggling is one of the factors that adversely affects national income and wastes State resources. Oil is a commodity subsidized by the State budget, and trafficking and smuggling therein are crimes punishable by law. Anyone taking part in those crimes must therefore be identified. This trend poses a threat to the national economy and must be tackled and eliminated in cooperation with State security and judicial authorities.

We value your efforts and are forwarding this report to you for appropriate measures to be taken and the appropriate parties to be contacted with a view to apprehending and bringing to justice those who engage in this activity, finding ways to put an end to it, and taking urgent measures to prevent its recurrence in order to maintain security and stability and safeguard the resources of the Libyan people. (Please find photocopies of supporting documents attached.)

May peace be upon you.

(*Signed on behalf of*) Mustafa Abdullah **Sanalla**
Chairman of the Board of Directors
16 August 2016

[SEAL: State of Libya
National Oil Corporation]

Cc: Members of the Board of Directors
Khalid Mazughi, Director of Legal Affairs

[*Illegible signatures*]

President of the Presidency Council
Government of National Accord

[SEAL: State of Libya
Government of National Accord]

[STAMP: National Oil Corporation
Department of Legal Affairs
Incoming: 11 August 2016, No. 610]

State of Libya

Government of National Accord

Record: 154
File: _______

Date: 5 June 2016

Sir,

We value your efforts in the service of our beloved country during these trying times.

We hereby submit to you our report in the hope that it will be taken in the spirit of diligence and devotion to the national interest that unites us all.

The increase in oil smuggling that we found during our investigation – notably in the western and southern regions, but also elsewhere – is shocking and forces us to wonder about who is responsible for combating that trend.

In our capacity as a committee invested by the Ministry of Oil and Gas, we have monitored smuggling cases closely in conjunction with some of the security brigades. Some of the smuggled oil has been interdicted, seized and confiscated and some smugglers have been remanded to the judicial authorities.

However, the unfortunate fact is that smuggling continues unabated despite oversight at border points and occasional prosecutions. Smuggling has moved from land to sea. Trawlers and launches are always waiting just off the port of Zuwarah to be loaded with smuggled oil for transport to Malta, Italy, Greece, Turkey and elsewhere.

The following are some of the vessels seized in the act of smuggling oil from the port of Zuwarah:

1. *Mekhanik Chebotarev*

The vessel was seized 14 miles from the port of Zuwarah. The vessel was not flying a flag to identify itself. When they realized that they had been caught by the Libyan Coast Guard, they raised the Russian flag, according to the testimony of Umar Balras Ali, commander of the Libyan Coast Guard vessel. The name of the company that owns the Russian ship, which we believe is a government company, is Oil Marin Group. It had aboard a cargo of 4,250 tons of oil (4,250,000 litres). Its crew consisted of 10 men and one woman, all of them Russian nationals.

2. *Levante*

The vessel was seized on 4 April 2014 off the port of Zuwarah with a cargo of 400 tons. Its crew consisted of seven Egyptians and a Maltese. It is based in Malta but flies a Panamanian flag.

3. *Sun Oil 1*

The vessel was seized on 5 January 2015 off the coast of Zuwarah. It was flying a Maltese flag. Its crew consisted of five persons: two Bulgarians, two Ukrainians and a Romanian. It has been seized more than once.

4. *Santa Cruz*

The vessel was seized in August 2015 off the port of Zuwarah. Its crew consisted of four persons. Its owner is Maltese national, and it was flying a Tanzanian flag. It was escorted to the port of Misratah.

5. *Sovereign*

The vessel was seized on 24 August 2015 eight miles from the Mellitah area with a cargo of 600 tons of oil. Its crew consisted of two Egyptians, one Ukrainian, one Croatian and one Syrian. It flies a Togolese flag and belongs to the Maltese company Golden Group.

6. *Saint Jean*

The vessel was carrying a cargo of approximately 600,000 litres of diesel oil. It flies a Togolese flag.

7. *Captain Khayyam*

The vessel flies a Sierra Leonean flag. It was carrying a cargo of approximately 1,600,000 litres of diesel oil.

A number of vessels are still floating off the coast of Libya waiting to be loaded with oil for sale to neighbouring States and European States.

We offer you the following proposals for combating and eliminating smuggling:

1. The General Staff and the Ministry of the Interior should be charged with combating and eliminating smuggling.
2. Cooperation and consultation should be solicited from the National Oil Corporation, the Ministry of the Economy, the Brega Petroleum Marketing Company and all other relevant parties to find effective ways of combating smuggling.
3. The media should be used to raise citizen awareness of the dangers of this trend, given that these smuggled resources are Libyans' primary source of livelihood.

Please find annexed photographs from some of the smuggling cases that have been pursued. We look forward to taking part in finding solutions and deterrents to help put a final end to this trend, which has the potential to bring down the Libyan economy if it persists.

We trust that you will give this memorandum due consideration and take such steps as you deem appropriate.

Together for Libya! May God grant success.

May the peace, mercy and blessings of God be upon you.

(*Signed*) [*Illegible*]
Oil and Oil Derivative Distribution Oversight Committee

[SEAL: Government of National Accord
Ministry of Oil and Gas]

cc.
The Presidency Council
The Public Prosecutor
The Minister of Oil and Gas
The Ministry of the Interior
The Ministry of Defence
The Brega Petroleum Marketing Company
The Security and Safety Office
General Archive

[STAMP: National Oil Corporation
Office of Board of Directors Affairs
Incoming: 9 August 2016
Record: _______
Signature: _______]

Brega Petroleum Marketing Company
A company of the National Oil Corporation

Record: 476/2016
File: _____

Date: ___________
9 August A.D. 2016

Sir,

We hereby submit to you a report on the field visit by members of the Oil and Oil Derivatives Oversight Committee to the Ra's Ajdir border post and the port of Zuwarah on 24 July 2016, with annexed photographs, that sheds light on some of the ways that oil is smuggled out of Libya. It is noteworthy that the photograph showing tanker trucks in the port of Zuwarah smuggling oil in full view of everyone who works there, including the various security agencies.

Oil smuggling is one of the destructive factors that are doing damage to the national economy, and consolidated and cooperative action by all agencies is needed to combat it. Oil is a commodity subsidized by the State budget, and trafficking or smuggling therein is a crime punishable under the laws in force in the State of Libya.

We therefore hope that you will give due consideration and coordinate with the relevant agencies to establish a mechanism to combat this phenomenon.

May peace be upon you.

(*Signed*) Faraj Albuhlul **Shaban**
Chairman of the Board of Directors

[STAMP: National Oil Corporation
Department of Legal Affairs
11 August 2016
Incoming No. 609]

[STAMP: National Oil Corporation
Office of Board of Directors Affairs
10 August 2016
Record No. 2168]

[SEAL: Brega Petroleum Marketing
Company
Board of Directors]

cc. The Members of the Board of Directors
The Director of the Follow-up Office
]*Illegible*]

Chairman of the Board of Directors
National Oil Corporation

[HANDWRITTEN: Forwarded to National Oil Corporation 9 August 2016 (*illegible signature*)]

State of Libya

Government of National Accord

Record: 107

File: _______

Date: 24 July 2016

Sir,

On Sunday, 24 July 2016, members of the Office of Security and Safety and members of the Oil and Oil Derivatives Oversight Committee conducted a field visit to the Ra's Ajdir border post to investigate the smuggling situation there.

The members visited the Jamal al-Gha'ib Brigade, which has been charged by the Ministry of the Interior with combating smuggling and other activities that have a negative impact on the Libyan economy.

In the course of the visit, it became clear that enormous efforts are being made to combat smuggling. On the very first day that the Brigade assumed its tasks at the post, some 60 vehicles were seized in the act of smuggling oil or oil derivatives, and fines have been imposed to curb the rampant smuggling of such products. (Please find annexed to this report several photographs that show the methods used by oil smugglers.) Their men are managing to be on the spot despite limited resources. In that connection, we thank the Brega Oil Marketing Company for providing a 40,000 litre tanker to retrieve the smuggled oil that was seized.

The members who took part in the visit are as follows:

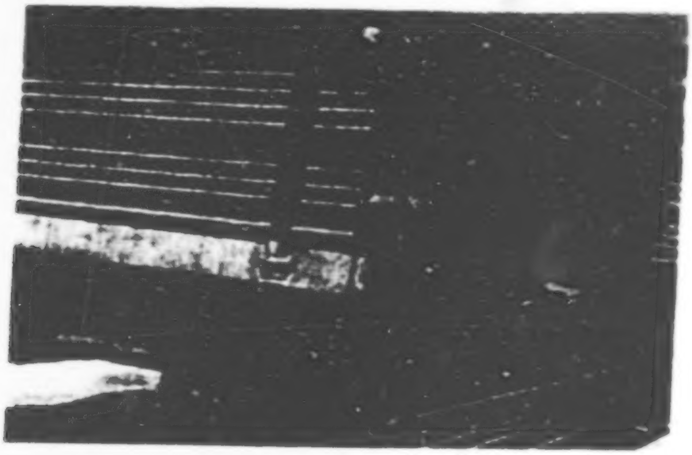
1.	Nuri Umar Albu'isa	Chairman of the Oil and Oil Derivatives Oversight Committee
2.	Abdullah al-Nufathi	Member of the Oil and Oil Derivatives Oversight Committee
3.	Sami Ammar al-Shabshubi	Member of the Oil and Oil Derivatives Oversight Committee

(*Signed*) [*Illegible*]
Oil and Oil Derivatives Oversight Committee

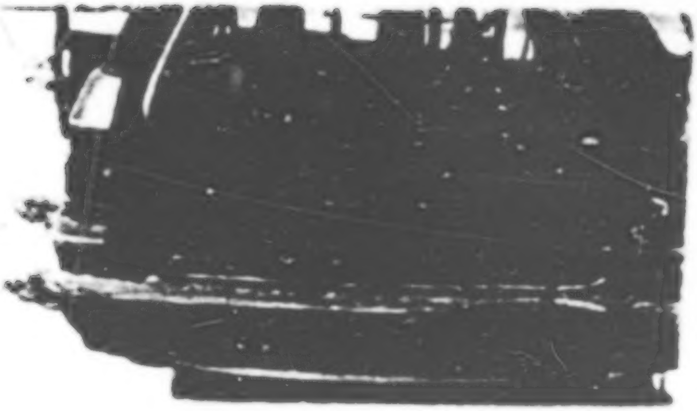
[SEAL: State of Libya
Government of National Accord
Ministry of Oil and Gas
Oil and Oil Derivatives Oversight Committee]

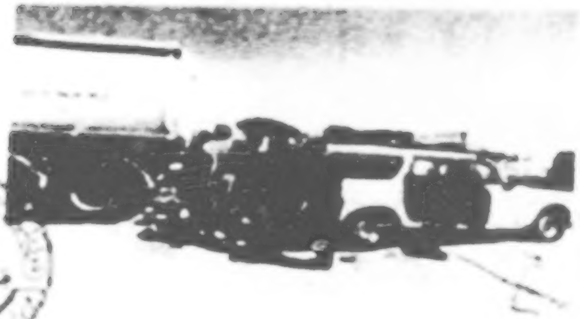
Chairman of the Board of Directors
Brega Oil Marketing Company

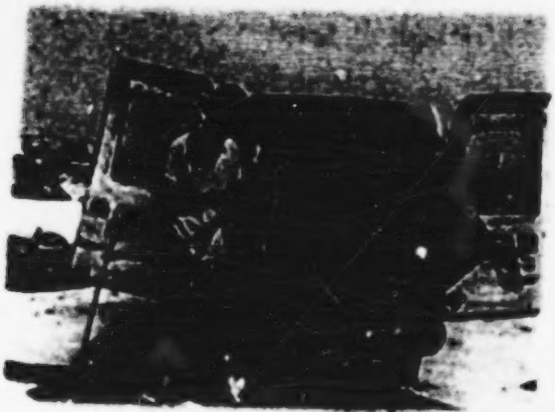
[PAGES 8-10 OF ORIGINAL CONSIST ENTIRELY OF PHOTOGRAPHS]

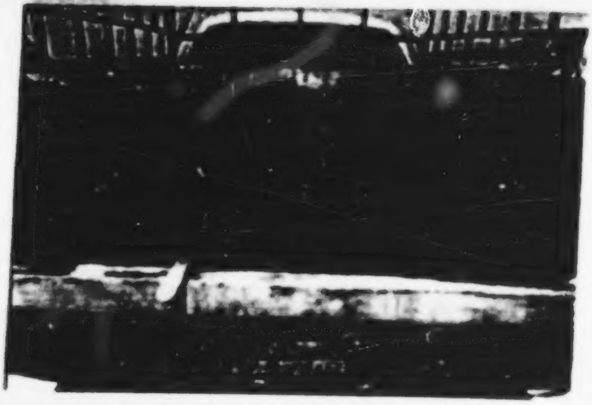


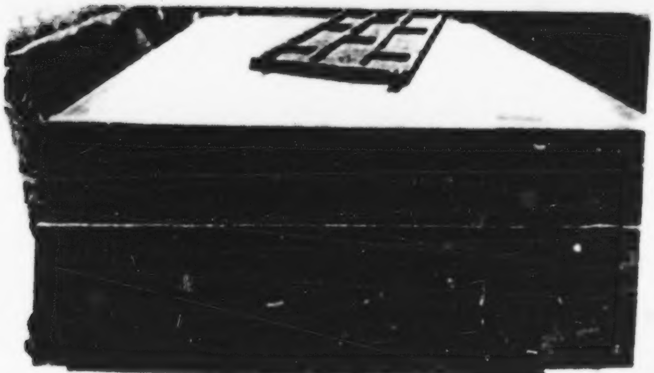
22 تونس 9199











[illegible] الوقود و المنشآت النفطية

State of Libya

Government of National Accord

Record: 108 Date: 24 July 2016

File: ________

Sir,

On Sunday, 24 July 2016, members of the Office of Security and Safety and members of the Oil and Oil Derivatives Oversight Committee conducted a field visit to the western region to investigate how oil and oil derivatives are being distributed and how smuggling is being countered.

The members visited the port of Zuwarah. Here is a photograph from in front of the port that demonstrates the enormity of the oil-related economic disaster. It shows trucks carrying approximately 40,000 litres of diesel oil waiting to be smuggled via sea to European States.

[PHOTOGRAPH]

(*Signed*) [*Illegible*]

Oil and Oil Derivatives Oversight Committee

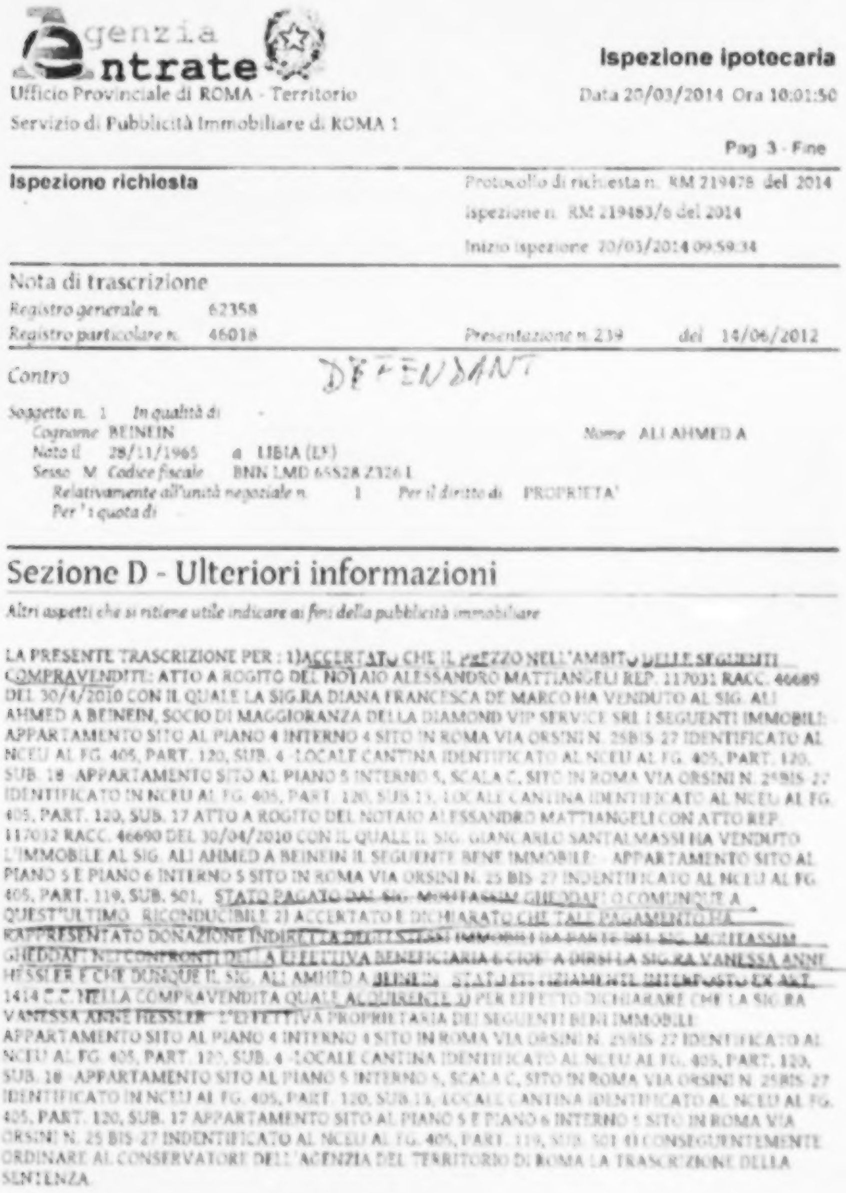
[SEAL: State of Libya
Government of National Accord
Ministry of Oil and Gas]

Chairman of the Board of Directors

Brega Oil Marketing Company

Annex 69 Excerpt of a summary of a court case brought against the registered owner of the flat

The plaintiff states that the flat was paid for by Mutassim Qadhafi and that the transaction was an indirect gift from Mutassim to her.



Agenzia Entrate
Ufficio Provinciale di ROMA - Territorio
Servizio di Pubblicità Immobiliare di ROMA 1

Ispezione ipotecaria
Data 20/03/2014 Ora 10:01:50

Pag 3 - Fine

Ispezione richiesta
Protocollo di richiesta n. RM 219478 del 2014
Ispezione n. RM 219483/6 del 2014
Inizio ispezione 20/03/2014 09:59:34

Nota di trascrizione
Registro generale n. 62358
Registro particolare n. 46018 *Presentazione n.* 239 *del* 14/06/2012

Contro DEFENDANT

Soggetto n. 1 *In qualità di* -
Cognome BEINEIN *Nome* ALI AHMED A
Nato il 28/11/1965 *a* LIBIA (EE)
Sesso M *Codice fiscale* BNN LMD 65S28 Z326 I
Relativamente all'unità negoziale n. 1 *Per il diritto di* PROPRIETA'
Per 1 quota di -

Sezione D - Ulteriori informazioni

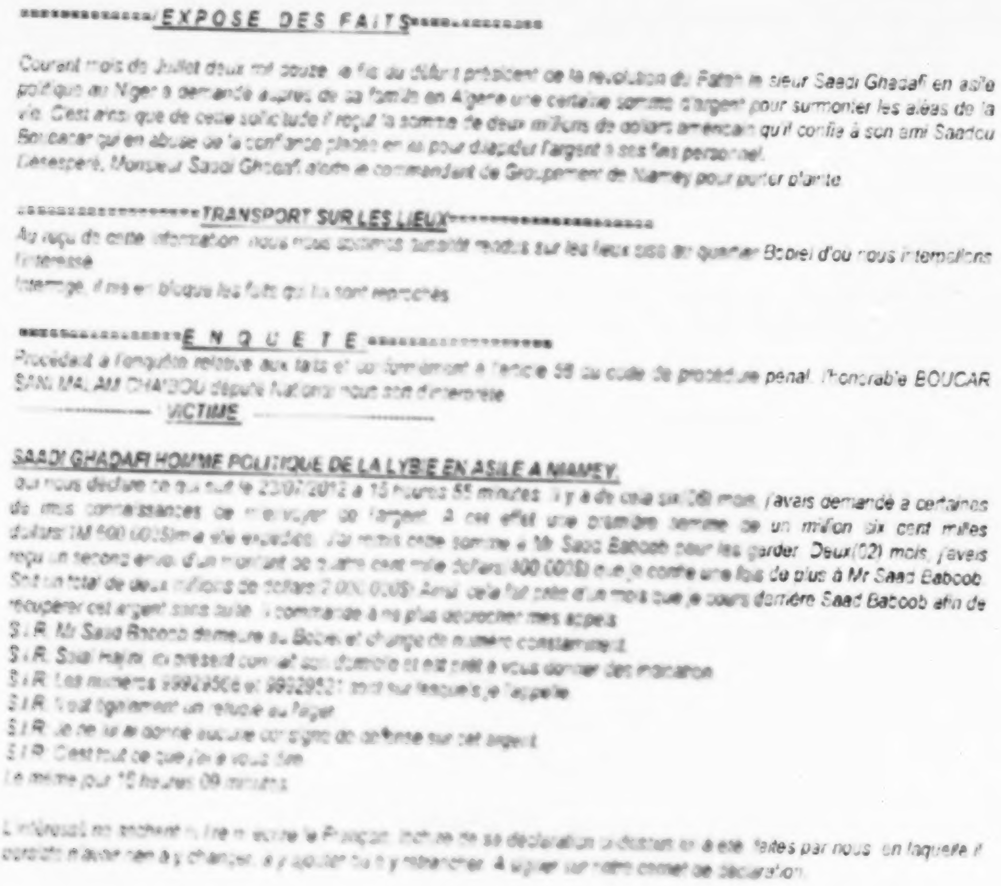
Altri aspetti che si ritiene utile indicare ai fini della pubblicità immobiliare

LA PRESENTE TRASCRIZIONE PER : 1)ACCERTATO CHE IL PREZZO NELL'AMBITO DELLE SEGUENTI COMPRAVENDITE: ATTO A ROGITO DEL NOTAIO ALESSANDRO MATTIANGELI REP. 117031 RACC. 46689 DEL 30/4/2010 CON IL QUALE LA SIG.RA DIANA FRANCESCA DE MARCO HA VENDUTO AL SIG. ALI AHMED A BEINEIN, SOCIO DI MAGGIORANZA DELLA DIAMOND VIP SERVICE SRL I SEGUENTI IMMOBILI: APPARTAMENTO SITO AL PIANO 4 INTERNO 4 SITO IN ROMA VIA ORSINI N. 25BIS-27 IDENTIFICATO AL NCEU AL FG. 405, PART. 120, SUB. 4 -LOCALE CANTINA IDENTIFICATO AL NCEU AL FG. 405, PART. 120, SUB. 18 -APPARTAMENTO SITO AL PIANO 5 INTERNO 5, SCALA C, SITO IN ROMA VIA ORSINI N. 25BIS-27 IDENTIFICATO IN NCEU AL FG. 405, PART. 120, SUB 13, LOCALE CANTINA IDENTIFICATO AL NCEU AL FG. 405, PART. 120, SUB. 17 ATTO A ROGITO DEL NOTAIO ALESSANDRO MATTIANGELI CON ATTO REP. 117032 RACC. 46690 DEL 30/04/2010 CON IL QUALE IL SIG. GIANCARLO SANTALMASSI HA VENDUTO L'IMMOBILE AL SIG. ALI AHMED A BEINEIN IL SEGUENTE BENE IMMOBILE: - APPARTAMENTO SITO AL PIANO 5 E PIANO 6 INTERNO 5 SITO IN ROMA VIA ORSINI N. 25 BIS-27 INDENTIFICATO AL NCEU AL FG. 405, PART. 119, SUB. 501, STATO PAGATO DAL SIG. MUTASSIM GHEDDAFI O COMUNQUE A QUEST'ULTIMO RICONDUCIBILE 2) ACCERTATO E DICHIARATO CHE TALE PAGAMENTO HA RAPPRESENTATO DONAZIONE INDIRETTA DEGLI STESSI IMMOBILI DA PARTE DEL SIG. MUTASSIM GHEDDAFI NEI CONFRONTI DELLA EFFETTIVA BENEFICIARIA E CIOE' A DIRSI LA SIG.RA VANESSA ANNE HESSLER E CHE DUNQUE IL SIG. ALI AMHED A BEINEIN E' STATO FITTIZIAMENTE INTERPOSTO EX ART. 1414 C.C. NELLA COMPRAVENDITA QUALE ACQUIRENTE 3) PER EFFETTO DICHIARARE CHE LA SIG.RA VANESSA ANNE HESSLER E' L'EFFETTIVA PROPRIETARIA DEI SEGUENTI BENI IMMOBILI: APPARTAMENTO SITO AL PIANO 4 INTERNO 4 SITO IN ROMA VIA ORSINI N. 25BIS-27 IDENTIFICATO AL NCEU AL FG. 405, PART. 120, SUB. 4 -LOCALE CANTINA IDENTIFICATO AL NCEU AL FG. 405, PART. 120, SUB. 10 -APPARTAMENTO SITO AL PIANO 5 INTERNO 5, SCALA C, SITO IN ROMA VIA ORSINI N. 25BIS-27 IDENTIFICATO IN NCEU AL FG. 405, PART. 120, SUB 13, LOCALE CANTINA IDENTIFICATO AL NCEU AL FG. 405, PART. 120, SUB. 17 APPARTAMENTO SITO AL PIANO 5 E PIANO 6 INTERNO 5 SITO IN ROMA VIA ORSINI N. 25 BIS-27 INDENTIFICATO AL NCEU AL FG. 405, PART. 119, SUB. 501 4) CONSEGUENTEMENTE ORDINARE AL CONSERVATORE DELL'AGENZIA DEL TERRITORIO DI ROMA LA TRASCRIZIONE DELLA SENTENZA.

Source: Contractor of Libyan litigation department

Annex 70 Excerpt of police report of complaint filed by Saadi Qadhafi

Saadi Qadhafi stated to the Gendarmerie that he had asked for and received large sums of money from acquaintances, but that his associate might have run off with two million USD.



EXPOSE DES FAITS

Courant mois de Juillet deux mil douze, le fils du défunt président de la révolution du Fateh le sieur Saadi Ghadafi en asile politique au Niger a demandé auprès de sa famille en Algérie une certaine somme d'argent pour surmonter les aléas de la vie. C'est ainsi que de cette sollicitude il reçut la somme de deux millions de dollars américain qu'il confie à son ami Saadou Boubacar qui en abuse de la confiance placée en lui pour dilapider l'argent à [illegible] fins personnel.
Désespéré, Monsieur Saadi Ghadafi saisit le commandant de Groupement de Niamey pour porter plainte

TRANSPORT SUR LES LIEUX

Au reçu de cette information, nous nous sommes aussitôt rendus sur les lieux sis au quartier Bobiel d'où nous interpellons l'intéressé
Interrogé, il nie en bloque les faits qui lui sont reprochés

ENQUETE

Procédant à l'enquête relative aux faits et conformément à l'article 58 du code de procédure penal, l'honorable BOUCAR SANI MALAM CHAIBOU député National nous sert d'interprète

VICTIME

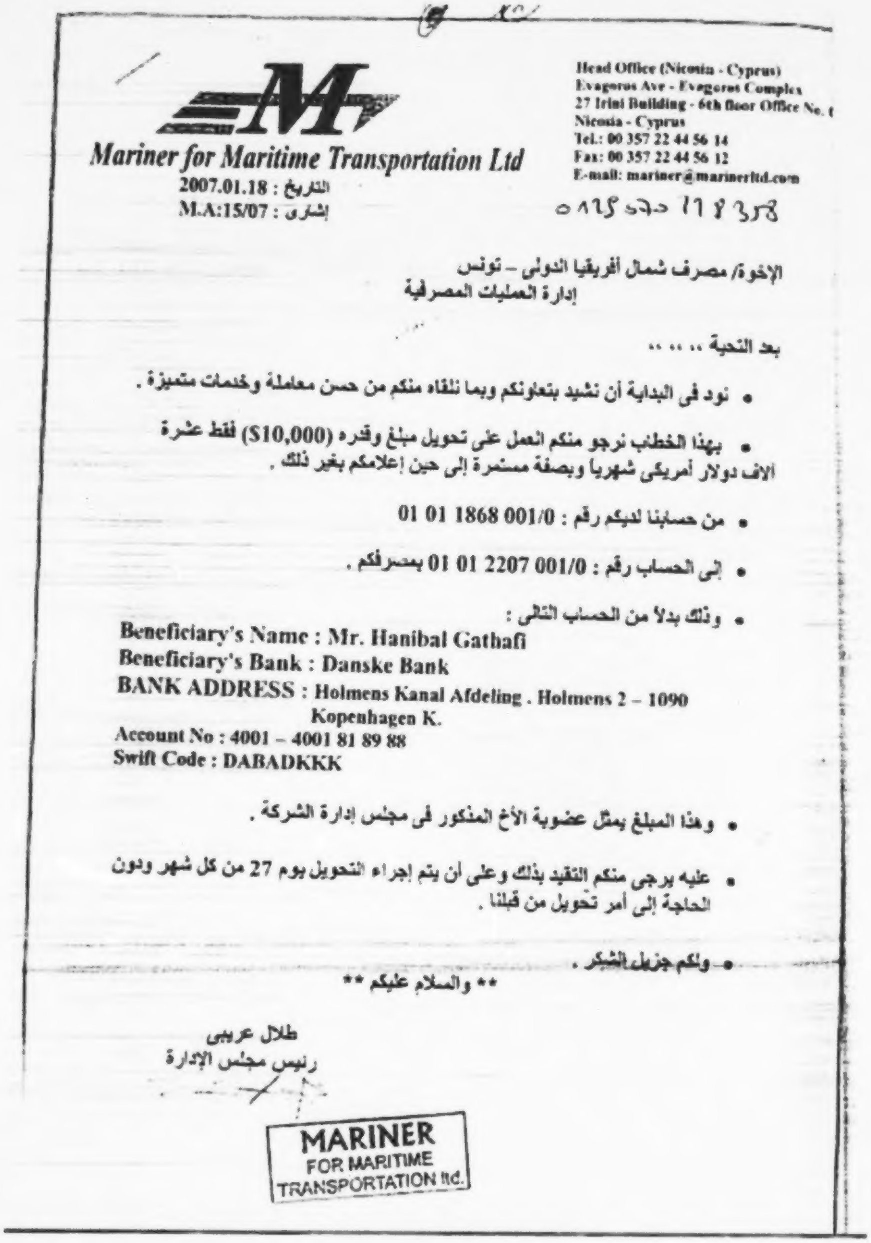
SAADI GHADAFI HOMME POLITIQUE DE LA LYBIE EN ASILE A NIAMEY,

qui nous déclare ce qui suit le 23/07/2012 à 15 heures 55 minutes : Il y a de cela six(06) mois, j'avais demandé à certaines de mes connaissances de m'envoyer de l'argent. A cet effet une première somme de un million six cent milles dollars(1M 600 000$) m'a été envoyée. J'ai remis cette somme à Mr Saad Baboob pour les garder. Deux(02) mois, j'avais reçu un second envoi d'un montant de quatre cent mille dollars(400 000$) que je confie une fois de plus à Mr Saad Baboob. Soit un total de deux millions de dollars(2 000 000$). Ainsi cela fait près d'un mois que je cours derrière Saad Baboob afin de récupérer cet argent sans suite. Il commence à ne plus décrocher mes appels
S.I.R: Mr Saad Baboob demeure au Bobiel et change de numéro constamment.
S.I.R: Saad Hajra, ici présent connait son domicile et est prêt à vous donner des indication
S.I.R: Les numéros [illegible] et 99329521 sont sur lesquels je l'appelle
S.I.R: Il est également un refugié au Niger
S.I.R: Je ne lui ai donné aucune consigne de dépense sur cet argent
S.I.R: C'est tout ce que j'ai à vous dire
Le même jour 16 heures 09 minutes

L'intéressé ne sachant ni lire ni écrire le Français, lecture de sa déclaration ci-dessus lui a été faites par nous, en laquelle il persiste n'avoir rien à y changer, à y ajouter ou à y retrancher. A signer sur notre cahier de déclaration.

Source: Gendarmerie, Niamey

Annex 71 Hannibal Qadhafi on the Board of Mariner for Maritime Transport



Mariner for Maritime Transportation Ltd

Head Office (Nicosia - Cyprus)
Evagoras Ave - Evagoras Complex
27 Irini Building - 6th floor Office No.
Nicosia - Cyprus
Tel.: 00 357 22 44 56 14
Fax: 00 357 22 44 56 12
E-mail: mariner@marinerltd.com

التاريخ : 2007.01.18
إشارى : M.A:15/07

[illegible]

الإخوة/ مصرف شمال أفريقيا الدولى – تونس
إدارة العمليات المصرفية

بعد التحية .. .. ..

- نود فى البداية أن نشيد بتعاونكم وبما نلقاه منكم من حسن معاملة وخدمات متميزة .
- بهذا الخطاب نرجو منكم العمل على تحويل مبلغ وقدره ($10,000) فقط عشرة الاف دولار أمريكى شهريا وبصفة مستمرة إلى حين إعلامكم بغير ذلك .
- من حسابنا لديكم رقم : 01 01 1868 001/0
- إلى الحساب رقم : 01 01 2207 001/0 بمصرفكم .
- وذلك بدلاً من الحساب التالى :

Beneficiary's Name : Mr. Hanibal Gathafi
Beneficiary's Bank : Danske Bank
BANK ADDRESS : Holmens Kanal Afdeling . Holmens 2 – 1090 Kopenhagen K.
Account No : 4001 – 4001 81 89 88
Swift Code : DABADKKK

- وهذا المبلغ يمثل عضوية الأخ المذكور فى مجلس إدارة الشركة .
- عليه يرجى منكم التقيد بذلك وعلى أن يتم إجراء التحويل يوم 27 من كل شهر ودون الحاجة إلى أمر تحويل من قبلنا .
- ولكم جزيل الشكر .

** والسلام عليكم **

طلال عريبى
رئيس مجلس الإدارة

MARINER
FOR MARITIME
TRANSPORTATION ltd.

Source: Confidential

Annex 72 Stolen assets under the control of a listed individual and/or at risk of misappropriation

Physical assets in West Africa

1. The Panel is investigating independent reports on the involvement of a listed individual in storing large amounts of physical assets in several locations in West Africa. It is alleged that the operation to hide large amounts of cash and some gold in West African countries was organised by Abdallah al-Senussi (LYi.018) in 2011. Six sources have alerted the Panel that attempts are being made to move some of these assets back to Libya and to possibly make them available to some of Libya's competing political and military stakeholders.

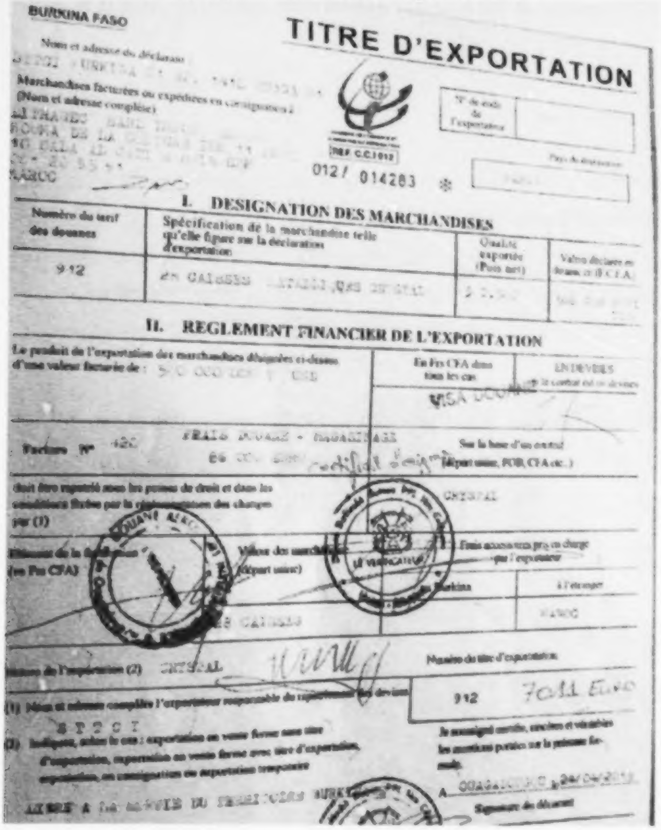
2. In a first case, four independent sources reported to the Panel that USD 560 million, in USD 100 denomination, is kept by a group of Libyans in Ouagadougou, Burkina Faso. This group has attempted to transfer the assets to a third country through a local company: "Societe Transit Transport Convoi International (STTCI)".

Picture of the alleged assets with a Burkinabe daily

Source: Confidential

3. Several sources have explained to the Panel that they have travelled to Burkina Faso and inspected the cash, which is stored in metal chests. It is reported that authorities in Tripoli, al-Bayda and Tobruk have attempted to obtain the USD 560 million. Specifically, the involvement of NSG's prime minister al-Ghweil, Libyan 'Interim government' prime minister al-Thinni, HoR speaker Saleh and intelligence head Mustafa Nuh has been reported. Although the transfer of these assets has failed for now, the Panel has seen documentation showing that the logistical preparations were well-advanced. Groups involved in the negotiations expect to receive a commission of 10 or even 35 per cent.

Export license in preparation of the alleged transfer



BURKINA FASO

TITRE D'EXPORTATION

Nom et adresse du déclarant

Marchandises facturées ou expédiées en consignation à (Nom et adresse complète)

MAROC

012/ 014283

I. DESIGNATION DES MARCHANDISES

Numéro du tarif des douanes	Spécification de la marchandise telle qu'elle figure sur la déclaration d'exportation	Quantité exportée (Poids net)	Valeur déclarée en douane en F CFA
912	[illegible]	[illegible]	[illegible]

II. REGLEMENT FINANCIER DE L'EXPORTATION

Le produit de l'exportation des marchandises désignées ci-dessus d'une valeur facturée de :

En Frs CFA dans tous les cas

EN DEVISES si le contrat est en devises

VISA DOUANE

Facture N°

FRAIS DOUANE - MAGASINAGE

Sur la base d'un contrat (départ usine, FOB, CFA etc.)

doit être rapatrié sous les peines de droit et dans les conditions fixées par la réglementation des changes par (1)

Frais accessoires pris en charge par l'exportateur

Valeur des marchandises (départ usine)

Burkina

à l'étranger

MAROC

Numéro du titre d'exportation

912

(1) Nom et adresse complète l'exportateur responsable du rapatriement des devises

STTCI

(2) Indiquez, selon le cas : exportation en vente ferme sans titre d'exportation, exportation en vente ferme avec titre d'exportation, exportation, en consignation ou exportation temporaire

Je soussigné certifie, sincères et véritables les mentions portées sur la présente formule.

A OUAGADOUGOU le 24/04/201

Signature du déclarant

Source: Confidential

4. However, the Burkinabe authorities have reported to the Panel that no company by the name of STTCI is known at the company register or holds any bank accounts in Burkina Faso. They confirmed that the alleged STTCI post office box in Ouagadougou listed on the documents exists, but that it is owned by an individual. In addition, the box frequently receives mail for addressees unknown to the owner. These include a businessman with well-known links to Libya.[41]

5. In a second case, sources told the Panel that physical assets are being kept in Accra, Ghana. At least until February 2016, they were allegedly stored in boxes with an ICRC logo at the premises of an 'international human rights organization', Le Comité International pour la Protection des Droits de l'Homme (CIPDH). The Panel has contacted France where the organization has its headquarters. The Panel has seen a report on the matter filed with the Ghanaian police and has subsequently contacted Ghana to ask for clarification. The Panel's letter, and another reminder, have remained unanswered.

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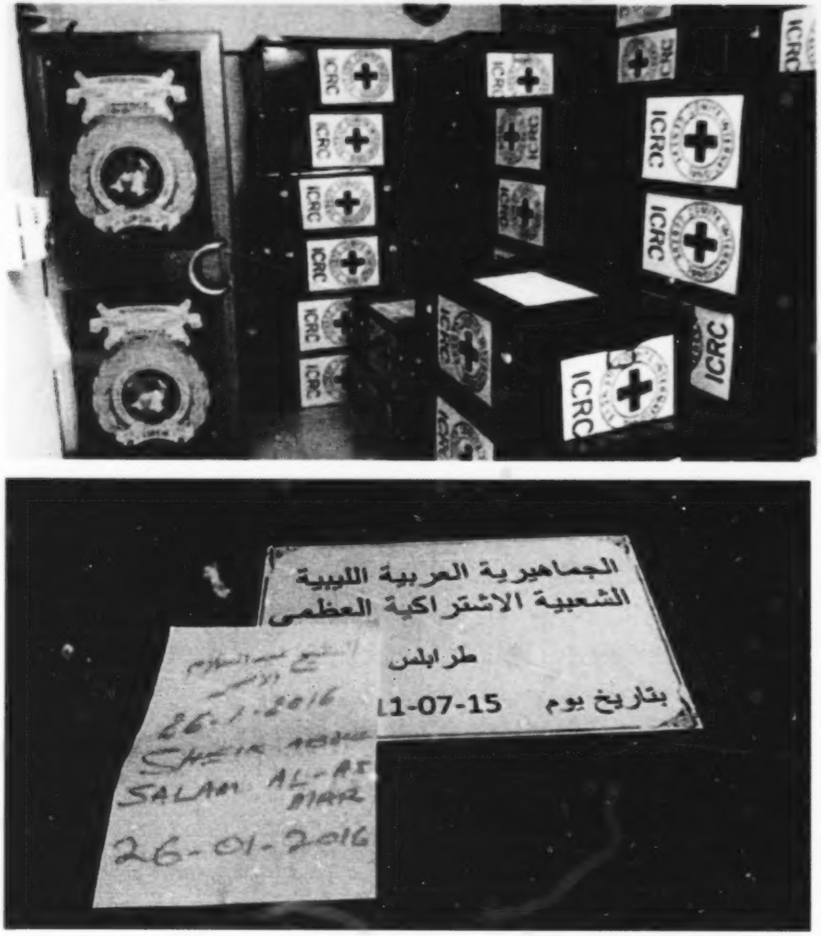
[41] http://www.ecodufaso.com/portrait-mahamadi-sawadogo-dit-kadhafi-pdg-du-groupe-smaf-international/

Pictures of alleged assets at CIPDH office in Accra, Ghana


ICRC
الجماهيرية العربية الليبية
الشعبية الاشتراكية العظمى
طرابلس
بتاريخ يوم 1-07-15
26-1-2016
SHEIK ABDUL
SALAM AL-AB
BIAR
26-01-2016

Source: Confidential

6. The Libyan in charge of the assets in Ghana is reported to be Mohamed Saleh al-Mahmoudi. It appears that agents reporting to the LNA have tried to 'recover' the assets. Unrelated to the LNA attempts, some of the assets were allegedly moved to another country.

7. Additional countries in the region have been mentioned in conversations with the Panel but no documentation or details were provided.

Assets in South Africa

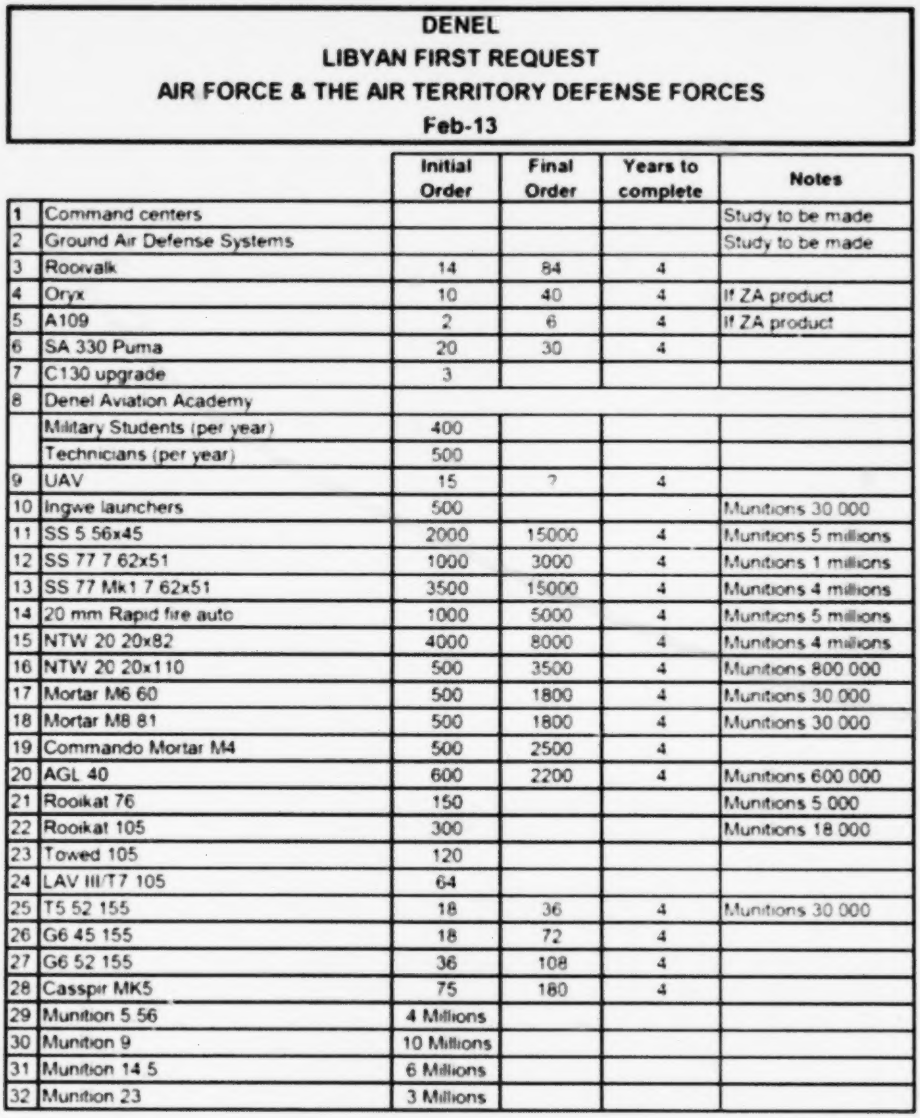
8. Previously, the Panel investigated several pieces of documentation alleging that a large quantity of physical assets, potentially belonging to a listed individual, was stored in South Africa (see S/2015/128, Annex 36). However, at that time, the documentation was considered to be unreliable and the investigations could not confirm the allegations.

9. In 2016, the Panel received new information, including documentation. According to this documentation, an attempt was made in 2013 to use the alleged assets as payment for a multi-billion

dollar arms deal between several South African defence industry companies and the "Libyan Air Force" and "Air Territory Defense Forces". The volumes and types of the materiel requested by the Libyan party suggest that a large amount of money was indeed readily available and the negotiations appeared to be relatively advanced. The Panel has interviewed, separately, two people directly involved in the attempted deal. Both claim that the materiel was to be paid for by 'hidden' assets from the Qadhafi regime already present in South Africa.

10. In 2013, agents claiming to represent the Libyan government visited South Africa to discuss the delivery of a wide range of materiel including tanks and attack helicopters. Correspondence seen by the Panel shows frequent contacts between the brokers and managers from the Denel company and its subsidiaries.

Request by the Libyan Air Force and Air Territory Defense Forces



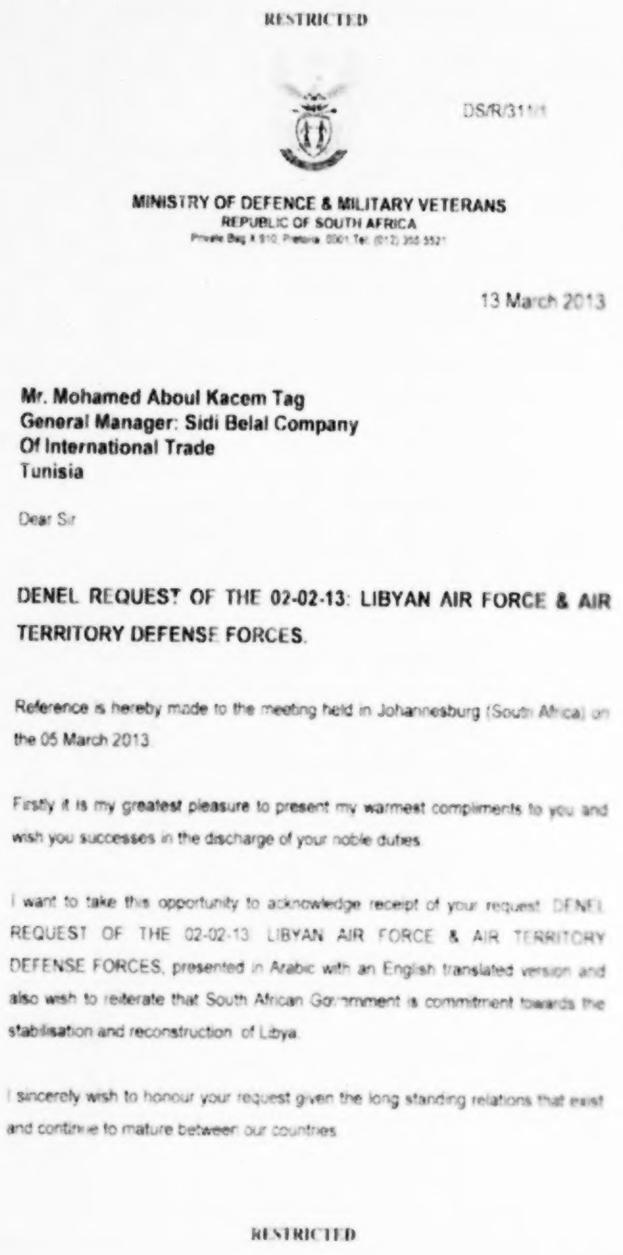
DENEL
LIBYAN FIRST REQUEST
AIR FORCE & THE AIR TERRITORY DEFENSE FORCES
Feb-13

		Initial Order	Final Order	Years to complete	Notes
1	Command centers				Study to be made
2	Ground Air Defense Systems				Study to be made
3	Roorvalk	14	84	4	
4	Oryx	10	40	4	If ZA product
5	A109	2	6	4	If ZA product
6	SA 330 Puma	20	30	4	
7	C130 upgrade	3			
8	Denel Aviation Academy				
	Military Students (per year)	400			
	Technicians (per year)	500			
9	UAV	15	?	4	
10	Ingwe launchers	500			Munitions 30 000
11	SS 5 56x45	2000	15000	4	Munitions 5 millions
12	SS 77 7 62x51	1000	3000	4	Munitions 1 millions
13	SS 77 Mk1 7 62x51	3500	15000	4	Munitions 4 millions
14	20 mm Rapid fire auto	1000	5000	4	Munitions 5 millions
15	NTW 20 20x82	4000	8000	4	Munitions 4 millions
16	NTW 20 20x110	500	3500	4	Munitions 800 000
17	Mortar M6 60	500	1800	4	Munitions 30 000
18	Mortar M8 81	500	1800	4	Munitions 30 000
19	Commando Mortar M4	500	2500	4	
20	AGL 40	600	2200	4	Munitions 600 000
21	Rooikat 76	150			Munitions 5 000
22	Rooikat 105	300			Munitions 18 000
23	Towed 105	120			
24	LAV III/T7 105	64			
25	T5 52 155	18	36	4	Munitions 30 000
26	G6 45 155	18	72	4	
27	G6 52 155	36	108	4	
28	Casspir MK5	75	180	4	
29	Munition 5 56	4 Millions			
30	Munition 9	10 Millions			
31	Munition 14 5	6 Millions			
32	Munition 23	3 Millions			

Source: Broker involved in the negotiations

11. It also appears that officials from the South African Ministry of Defence were informed of the ongoing negotiations. One of the brokers, Mohamed Belgacem Tag reportedly met with a senior military official, to discuss the Libyan military needs. The South African Ministry of Defence also expressed its support to the negotiations in writing on 13 March 2013.

Letter of support from Ministry of Defence



RESTRICTED

DS/R/311/1

MINISTRY OF DEFENCE & MILITARY VETERANS
REPUBLIC OF SOUTH AFRICA
Private Bag X 910, Pretoria, 0001 Tel: (012) 355 5321

13 March 2013

Mr. Mohamed Aboul Kacem Tag
General Manager: Sidi Belal Company
Of International Trade
Tunisia

Dear Sir

DENEL REQUEST OF THE 02-02-13: LIBYAN AIR FORCE & AIR TERRITORY DEFENSE FORCES.

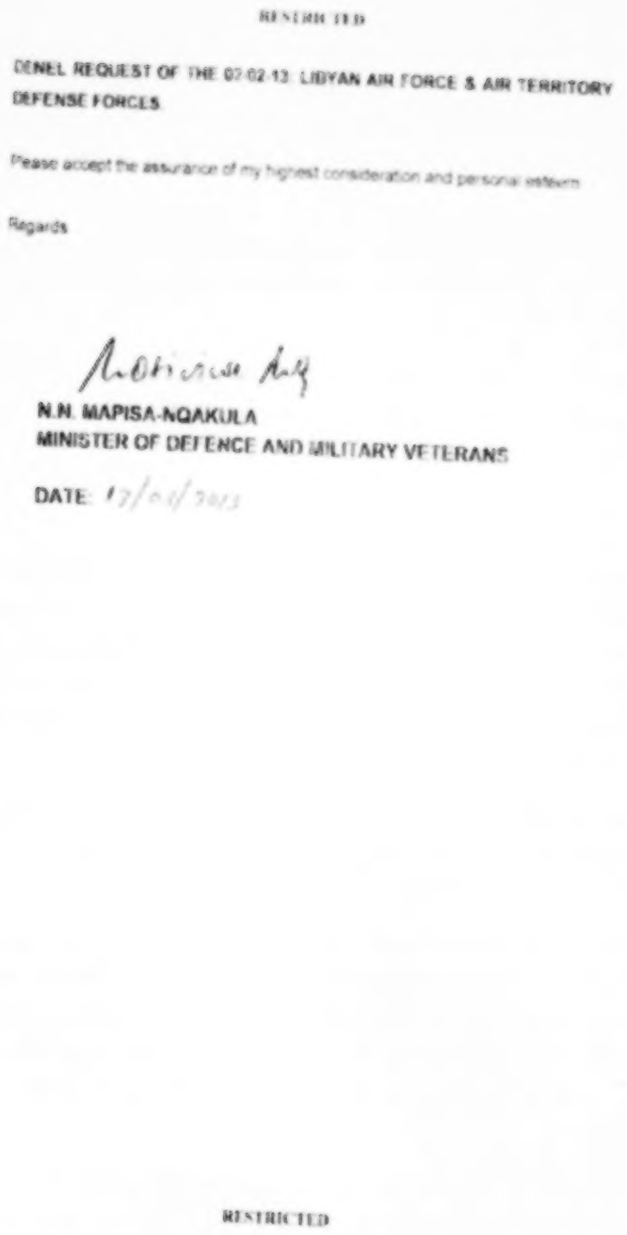
Reference is hereby made to the meeting held in Johannesburg (South Africa) on the 05 March 2013.

Firstly it is my greatest pleasure to present my warmest compliments to you and wish you successes in the discharge of your noble duties.

I want to take this opportunity to acknowledge receipt of your request: DENEL REQUEST OF THE 02-02-13: LIBYAN AIR FORCE & AIR TERRITORY DEFENSE FORCES, presented in Arabic with an English translated version and also wish to reiterate that South African Government is commitment towards the stabilisation and reconstruction of Libya.

I sincerely wish to honour your request given the long standing relations that exist and continue to mature between our countries.

RESTRICTED



RESTRICTED

DENEL REQUEST OF THE 02-02-13: LIBYAN AIR FORCE & AIR TERRITORY DEFENSE FORCES.

Please accept the assurance of my highest consideration and personal esteem.

Regards

N.N. MAPISA-NQAKULA
MINISTER OF DEFENCE AND MILITARY VETERANS

DATE: 17/[illegible]/2013

RESTRICTED

Source: Broker involved in the negotiations

12. The Panel wrote to South Africa to request further information regarding these negotiations and particularly details about the financial sources that would have allowed for such a large transaction. However, no reply was received.

13. The Panel has viewed additional documentation allegedly confirming the presence of Libyan assets in South Africa. None of these documents were convincing. For some documents, the Panel was not allowed to take copies for further investigation. Other documents that were shared contained insufficient information to verify their contents and did not prove the amount, origin or location of the alleged assets.

14. The Panel has reached out to South African officials mentioned in the new documentation to verify their contents. To date, none has responded to the Panel's outreach or requests for information.

15. The Panel has spoken to numerous Libyan politicians and civil servants who confirm that several 'official' delegations have travelled to South Africa to meet with the ANC leadership and discuss the issue of the return of Libyan assets.

Funds in Kenya

16. The Panel has obtained documentation indicating that two large transfers were possibly made in the second half of 2011 on behalf of the Libyan Africa Investment Portfolio (LYe.002, listed since 17 March 2011), between bank accounts in South Africa and Kenya. The total amount transferred to an account at a branch of the CFC Stanbic Bank branch in Kenya was USD 800,000,000. Documentation received by the Panel shows payment authorisation by Bashir Saleh al-Shrkawi from a branch of the Standard Bank South Africa.

17. The management of LAIP has explained to the Panel that it has no knowledge of the beneficiary account. It had received a similar report and conducted its own investigation in 2013, but could not confirm that such a transaction had taken place.

18. If the information in the documents is accurate, these transfers would show that hidden Libyan funds are indeed accessible to members of the former regime in South Africa. Bashir al-Shrkawi currently resides in, or at least frequents South Africa. He has been named by numerous public and private sources as the person who manages funds from the former regime hidden in South Africa and throughout the rest of the continent.[42] Although he used to head the LAIP until 2009, he had no formal relationship with the fund in 2011.

19. The Panel has interviewed Bashir Saleh al-Shrkawi who denies any knowledge of any assets of the former regime in Africa, other than the ones officially on record at the LIA. He described reports on 'hidden Libyan assets' in Africa as "mirages".

20. The Panel has requested information from Kenya but its letter has remained unanswered.

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[42] see, for example, "Gaddafi aide holds key to missing Libya funds", Financial Times, 8 April 2012, https://www.ft.com/content/d446ad68-816f-11e1-b39c-00144feab49a.

Groups tracing 'stolen assets'

21. The Panel has met with two competing groups of brokers that try to recover 'stolen assets' in exchange for a fee or a percentage. Because they are profit-driven, they have not been forthcoming with information. Furthermore, both groups had previously provided the Panel with unreliable or false documentation.

22. Bearing in mind the current political division in Libya, and the need of both the PC and competing governments to obtain access to funds, such secrecy creates a risk for misappropriation. Clearly, the brokers report to various authorities, regardless of whether they support the PC, hoping they can further their case. Therefore, the Panel has urged both groups to share information that would allow it to monitor the issue.

23. Following the Panel's letters, information sharing by both groups has improved but still more transparency is needed. Furthermore, they have tried to increase their national and international legitimacy through interacting with the Panel. However, it is not in the Panel's mandate to confirm the mandate of any broker and certainly not at this stage of the political process.

24. Finally, it is possible that at least some of these cases are, in fact, scams. The Panel has received reports that some individuals have lost money while trying to obtain the alleged assets. Nevertheless, several other cases documented by the Panel show that former regime members still have access to relatively large amounts of funds, including cash.